

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1979

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No. 78-6899

ROBERT FRANKLIN GODFREY,

Petitioner

-V.-

THE STATE OF GEORGIA,

Respondent

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SPECIAL SUPPLEMENTAL ADDENDUM TO  
PETITIONER'S BRIEF

---

NOT TO BE PRINTED

THE ORIGINALS OF MANY OF THE  
PAGES OF THIS ADDENDUM WERE  
POORLY XEROXED COPIES. WHAT  
FOLLOWS IS UNFORTUNATELY THE  
ONLY AVAILABLE MATERIAL EVEN  
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HAVE BEEN CUT.

Life Sentences on  
Cards

Upon arrival at the Deputy Sheriff's home Bobbie Jean Salter was obviously dead as a result of a gun shot wound through the neck severing the carotid artery and jugular vein. The Deputy Sheriff, after calling the Sheriff and undertaker, went to Lilly Spivey's house some three (3) hours later and upon arriving there and waiting about 15 minutes, the Defendant and Lilly Spivey drove up. The Deputy asked Defendant for the gun which Defendant produced from underneath the car seat. The Deputy advised Defendant of his Miranda rights, which Defendant said he understood and then asked Defendant, "do you want to talk to us?". Defendant admitted shooting at the car.

1973 - 98 (1973) Affirmed  
MOTEN, JAMES

MURDER

CP

28486  
TROUP

SUMMARY: Defendant, James Moten, was a participant in a plot to kill Dewindle Gates, the granddaughter of Frances Lay, to collect the proceeds of insurance on the victim's life. Defendant admitted participating in the murder and stated that he had choked the victim prior to her being shot and stabbed by Undell Lay and victim's uncle. In defendant's statement of June 20 to a police officer, he described the events leading to the murder of Dewindle Gates on June 10, 1973. Defendant said that he and Undell Lay drove the victim to a secluded area. When she attempted to get up, Appellant grabbed her and "choked her to the ground." Undell Lay shot the victim and stabbed her with a butcher knife. Defendant and Lay disposed of the body and the weapon at separate locations. The deceased body of the victim was found where they had left it.

1973 - 99 (1972)

Affirmed

MURDER

PEACOCK, CHARLES

28515

BIBB

SUMMARY: About noon on October 22, 1972, a group of young Bibb County residents, including the Defendant, went to a Jones County trailer park and attempted to buy drugs. They were unsuccessful, but agreed to try again that night. The group gathered together again that night, consisting of the defendant, Gary Sorells and James Salter, co-indictees, Danny Thurston, and Linda Carter. The defendant and Sorells wanted to get a gun to rob Gene Hall (with whom Spivey lived in a trailer) to get his drugs and amplifiers and to retrieve the appellant's guitar, previously left with "Rabbit" Spivey. Sorells obtained a gun from Murray McLean, and the defendant obtained a gun from his father's house. The defendant gave Sorells three of the six bullets his gun contained. The guns took the same sized bullets. Sorells fired one shot at a roadside sign as they drove along. They proceeded to a trailer park and picked up Spivey, who had a guitar with him. Spivey obtained three grams of drugs for the group and they went to a point near the river, after obtaining some water to use with the drugs. Salter, Spivey, the defendant, and Sorells went to the river where all used the needle. The last to do so was Salter. The defendant held his arm, while Spivey shot the drug in his arm. As Spivey pulled the needle from Salter's arm, a shot was fired and Spivey fell to the ground. Salter saw Sorells standing with a pistol in his hand, and saw him fire a second shot as Spivey was lying on his face on the ground. Salter saw the flash of three other shots fired off to his left. Other

- over -

2

CP

1973 - 105 (1972)

Affirmed

MURDER

CP

28594

FULTON

WILLIAMS, JAMES EDWARD

SUMMARY: The Defendant, James Edward Williams, was with the victim when she was last seen alive on August 26, 1972. At approximately 4 A.M., on the morning of 27th of August, 1972 screams of a woman were heard and someone was heard pounding on the doors of 371 Gardner Street, Atlanta, Georgia. The victim was thrown to the floor on the front porch and the defendant stood over the victim and fired several shots from a revolver at the victim. The Defendant picked up a large foot tub filled with dirt and flowers and smashed it on the dead girl's face. He then left the porch and returned with a cement block which he raised over his head and threw at the deceased; again, smashing her head. Defendant picked up flower pots and hurled them at the dead girl's face and bent down and started beating on the victim with his fists. Defendant dragged the dead girl's body off of the porch and into the side yard. The deceased body of the victim was found in the side yard with her face crushed beyond recognition.

1973-108

(1972)

Affirmed

MURDER Etc.

CP

2863

BIBB

FULLER, JOHNNY

SUMMARY: Note: This is a companion case to Perkins 28587 (1973 - 105). See factual summary therein.

1973 - 111 (1970)

Affirmed

MURDER

CP

28643

MUSCOGEE

WILLIAMS, RALPH

SUMMARY: In the afternoon of April 25, 1970, the defendant had engaged in an argument with the deceased over whether defendant had tried to take something out of the deceased's step-daughter's pocketbook. The two of them finally separated, shook hands and defendant left the premises of the bar where the argument had occurred. Approximately 15 to 25 minutes later, defendant returned to the bar-cafe and had a gun in his possession. (Defendant claimed he had the gun when he was in the cafe earlier, so did not leave to get it). As defendant entered the bar-cafe, the bartender, who was the stepson of the deceased, approached defendant and tried to talk to him. Defendant then backed out of the door and as he did the deceased came up from behind his step-son, the bartender, and was standing in the doorway when defendant shot him from about six feet away, outside the door. A witness for defendant testified the deceased had a beer bottle in one hand and a knife in the other hand and swung the bottle at defendant and another testified the deceased was cutting at defendant with the knife when defendant fired his gun and shot the deceased. In an unsworn statement defendant stated that "I will admit to one thing, of shooting a man on the ground of defending myself . . . I was only defending myself".



74-1 (1972) Affirmed MURDER (Domestic) 28668 JAWAR

JOHNSTON, LEWIS  
 SUMMARY: On October 14, 1972, the appellant and his wife accompanied a long-time friend, E. F. Martin, to the local fair and then afterwards to the V.F.W. Club. After spending a considerable amount of time at the V.F.W. Club, Martin volunteered to drive the appellant and his wife home. Martin testified at the trial that while the three were on their way home the appellant struck his wife several times. When Martin threatened to stop the police station appellant fled from the vehicle into the night. Johnston informed Martin that she had no desire to return home. Martin drove her to a motel and registered under a false name. Appellant testified in an unsworn statement that he found his wife "buck naked" and that she admitted having intercourse with Martin. After finding his wife appellant left the motel and took her home. Later that morning appellant was seen beating his wife with sticks and was seen to "stomp her five or two" and then pick her up and carry her into the couple's house later. Later in the day, appellant stopped by the sheriff's office and informed him that he had whipped his wife a little and was going to take her to the hospital. The wife died on October 23, 1972, some 9 days after the beating. Medical testimony attributed death to pneumonia induced from the lengthy comatose state resulting from the beating, and renal failure induced by the beating. All three medical witnesses stated that death could have been caused by the injuries alone.

74-6 (1971) Affirmed MURDER CP 28718 TWIGGS

WADLEY, JAMES  
 SUMMARY: On August 18, 1971 three couples met in a beer parlor in Macon where they drank beer for a period of time, left the beer parlor in an automobile owned and driven by the victim, stopped by the Bibb County jail to visit the mother of one of the group and then proceeded to the home of the victim in Twiggs County, Georgia, stopped on the way to obtain a case of beer. After arrival at the victim's home, though most had been strangers to each other when they met in the beer parlor, they more or less paired off in couples. The defendant persuaded his "date" to retire with him to the bedroom to satisfy his sexual desires, but the co-indictee was not so successful, nor was the victim's date successful in her advances to the victim. Later, after more drinking, eating and dancing -- when all of the beer had been consumed -- the victim made the mistake of opening his wallet and flashing a hundred dollar bill and a fifty dollar bill and stating that his "friends" did not have to worry about food or drink. Shortly thereafter the defendant started hitting the victim on the head and demanding his money, the victim sought to run outside the house but the co-indictee hindered his escape and permitted the defendant to resume the attack. He again managed to escape but the defendant caught him, pushed him into some bushes, stabbed him and took his money. He fled from such stab wounds. After arrest, the defendant admitted to the Sheriff of Twiggs County that he had killed the victim.

[Death penalty not applicable in this case -- Furman applied -- not stat not in]

1974-7 (1973) Affirmed MURDER (Domestic) 28721 GILBERT

DUNG, ROOSEVELT  
 SUMMARY: The defendant lived with his wife and four children. His daughter, Evona, had become pregnant, and on Saturday, the day before the shooting occurred on Jan 14, 1973, defendant, his wife and Evona visited a hospital to allow Evona to be examined by a physician. During this trip, defendant was noticeably angry because of the cost of Evona's pregnancy examination and expressed his ire both to Evona and his wife. On that evening, and continuing the following morning, defendant steadily indulged in alcoholic beverage so that by Sunday afternoon he was described as "drunk" by police officers. At some time on Sunday, defendant told his wife and Evona to "get out" of his house, and, in addition, told his son, Rickey, that he was going "to kill Biddy (his wife) and Evona (daughter) before you come back again." That afternoon while his wife was cooking in the kitchen, and while Evona was packing her clothes in preparation for leaving the residence, defendant, using his own gun, shot and killed Evona. His wife testified that defendant first pulled the trigger and the gun did not fire, whereupon he again pulled the trigger, this time sending the fatal shot along its way. Defendant was in the bedroom when the incident occurred. After Evona was dead, defendant ran from the house crying, "I have shot my baby," -- Defendant admitted shooting his daughter, but maintained it was purely accidental and occurred while he was sitting at the kitchen table cleaning his gun.

[State did not insist on death penalty - issue not submitted to jury]

1974-9 (1973) Affirmed MURDER CP 28729 FULTON

JOHNSON, RUFUS JAMES  
 SUMMARY: On Sunday, January 7, 1973, the day Harry Toney (the victim) died, Rufus James Johnson, defendant, and his co-defendant, Ronald Griggs, met at their apartment complex and decided to go get a drink together. Griggs apparently had only a few dollars but was buying. Defendant had no money, and he always wanted another drink. They went from one place to another buying drinks and smoking marijuana. Both were seen with a pistol during one drinking stop. Defendant testified that there was only one pistol, belonging to his co-defendant, and, while he admitted carrying it that morning, he claimed that later the co-defendant "told me to give it to him." About that time they were on their way to the apartment of Harry Toney, an apparently disabled man, who, according to a rumor which defendant had heard, had a small income from an insurance policy. The drinking companions arrived at Toney's and found him alive and well. They entered and during their stay, Toney was struck with a barbecue sauce bottle and shots were fired. Defendants left with a TV set and a radio, and immediately afterwards Toney's friends found his body. Each defendant said he went to Toney's with the other, that he was unaware of what was to transpire, that the other killed Toney, and that he only helped take out the loot on instructions from the companion. The barbecue sauce bottle had the co-defendant's fingerprint upon it. Defendant subsequently made statements that "they had shot a man", "I just seen a man die" and "I just killed a man"

[Death penalty inapplicable - Furman - New statute not yet enacted]



1974-15 (1973) Affirmed MURDER  
SMITH, RONALD DAVID

28764  
FULTON

SUMMARY: James O. Clerk, Jimmy Pitts (the victim), a man named Holloway, and defendant met at a bar, did some drinking and then went to defendant's apartment to listen to records. After a while Appellant produced a gun and Pitts produced a knife. Defendant fired the gun through the door, tapped Clark in the head and then fired into the wall. At that point, Pitts took a dive at Defendant and Clark ran out the door passing Holloway on the way.

Gloria Dalton testified that she lived with Defendant and was there the night that Defendant brought, Pitts, Holloway and Clark to the apartment. Pitts was talking about how he could take anyone's life with a knife. Defendant got the shotgun and fired and it looked like it hit Pitt's leg. Then Pitts jumped toward Defendant and it looked like he was trying to cut him. Defendant then made Pitts leave and Defendant followed him up the street with the shotgun. After they had left she found Pitt's knife on the floor. She heard the shotgun go off and Defendant returned stating that he had to shoot Pitts. He then instructed her to get rid of James Clark's coat and Pitts' knife and then he left. Defendant testified to substantially the same facts as Gloria Dalton with the addition of what happened at the time of the actual shooting. He stated that he called to Pitts and on confronting him, Pitts had something shiny in his hand and came down with it and that is when he shot him.

Prosecution waived the death penalty  
Strong psychiatric testimony

1974-17 (1973) Affirmed MURDER, Agg. Aslt.  
WILSON, MELVIN Life 5 yrs

CP

28769  
FULTON

SUMMARY: The appellant was visiting at the home of a friend, William Eilend, on Friday, July 6, 1973, and remained there until the time of the homicide early in the morning on Sunday, July 8, 1973. The frequently drank alcoholic beverages during this period. On this Friday evening, at about 8:00 or 8:30 Roszella Hill, who had been intimately acquainted with Eilend, came to his home. Runette Martin came to Eilend's home with Roszella Hill, or soon thereafter. Roszella Hill had a pistol behind her back when she came into the room where the appellant and Eilend were, and she put the pistol in Eilend's face. The appellant immediately spun her around and disarmed her. She tried to get the pistol back from the appellant, but he would not give it to her. She came back the next day and again tried to get the pistol. The appellant would not give it to her, and she told him that she was going to get the man it belonged to and come back and get it. Late in the evening of July 17, Eilend returned to his home, after having been out for a while, and asked the appellant, telling him that he had seen two men in the neighborhood. The men were strangers, but Eilend had seen them talking with Runette Martin, which was the reason he thought they were coming for the pistol. Appellant and Eilend went out of Eilend's house and walked about 50 to 75 yards to the place where the two men were standing, talking with Runette Martin. Appellant asked if they were looking for him. One man had his hand in his pocket and appellant told him twice to take it out. Someone took a step or two forward, and appellant shot Bennett, killing him. Elsie Byrd turned to run, and the appellant shot him in the face, wounding him.

1974-18 (1973) Affirmed  
MORD, JOSEPH ANDERSON

MURDER

28711  
FULTON

SUMMARY: On April 11, 1973, the defendant pawned his gun to obtain money to buy drugs, and bought the drugs from the deceased. After he and the witness had tried to use the drugs and found that they were not good, the defendant was mad about it and said that he was going to get his money back. The defendant further said, "I am going to kill this nigger," but the witness did not think he meant it. The defendant went back to the service station and got his gun back which had been pawned. Another person came by in an automobile, and the defendant asked the man to take them down to Auburn Avenue. They got in the automobile and rode down Auburn Avenue, where they saw the deceased. The defendant got out and told them to go around the block and come back for him. When they got back, the defendant got in the automobile, and the witness asked him if he got his money back. He said that he did not. He told her that he had the gun out to scare the deceased, that the deceased distracted his attention, then grabbed the gun, and it fired. The next day the defendant and the witness took the gun and sold it to a Mr. Bell.

The defendant in his statement related that he took the gun with him because he was scared, that his hand was in his pocket beside the pistol, that the deceased distracted his attention and then "swung" at him, that he pulled his gun out, they struggled, and the gun fired.

NOTE: State did not ask death penalty and judge instructed jury that life was maximum punishment.

1974-21 (1972) Affirmed  
STRONG, JERRY WAYNE

MURDER &amp; Armd. Robbery

28786  
FORSYTH

SUMMARY: This is a companion case to Conroy-28143-See Summary there 1973-55

1974-22 (1973) MURDER & Agg. Aslt.  
CARTER, RAYMOND C. JR. (Life) (7 yrs)

CP

28787  
HOUSTON

SUMMARY: On March 10, 1973, defendant picked up two teenaged boys, Dennis McInvale and John Scott Zellner, who were hitchhiking from a skating rink in Warner Robins, Georgia; shortly thereafter he pulled out a pistol and fatally shot McInvale, who was sitting on the front seat; that he then shot Zellner, the back seat passenger, several times, wounding him; he then drove several miles out of town and dumped the body of McInvale down an embankment; back and he then drove back toward Warner Robins, stopped by the side of the road and dragged Zellner out where he left him on the shoulder of the road. Zellner swore that neither he nor McInvale made any threatening gestures toward the defendant before he began shooting; and after the shooting defendant stopped the car several times and at the third stop he checked his pulse and stabbed him and hit him in the head. Defendant claimed he thought he was being robbed, and he shot them and beat Zellner back with a gun.

NOTE: Death penalty not in effect on date of this offense.

MR  
CP1974-23 (1966)  
HEWELL, ERNEST E.MURDER  
Life28796  
HALL

SUMMARY: After a conversation with the victim, John Howington, in the early afternoon hours of May 27, 1966, the Defendant left Howington's house. Shortly thereafter, Hewell returned to the deceased's residence; however, he was now carrying a shotgun, which neither the victim's son nor his wife had ever seen in the Defendant's possession or in the Defendant's room, which the Defendant had rented ~~throughout~~ since the month of February 1966. After a further conversation with the victim, Hewell entered this upstairs room he had rented. At approximately 3:30 p.m. on May 27, 1966, the deceased's son and another relative, who were in the house, were startled by a shotgun blast from the room to which the Defendant had gone. Hewell, holding a shotgun, then descended the stairs and told the two that he had shot the deceased. The defendant, while in a police car, referred to deceased's son "Mr Pierce, if you'll let me out I'll get him, too." The victim was killed by a shotgun blast. In his unsworn statement, the Defendant related that on two occasions, prior to the day of the killing, the victim had struck him. Hewell claimed that on May 27, 1966, he was in the room when the deceased entered and displayed a knife. Hewell alleged that the victim advanced towards him and that he had to shoot in self-defense.

Death penalty not asked for ~~the~~ by the prosecution.

1974-24 (1973)

SMITH, WILLIAM CLYDE

MURDER  
Life

(Domestic) CP

28797  
HALL

SUMMARY: After marital problems, appellant's wife moved in with their daughter and son-in-law, and defendant moved to a smaller house nearby their former home, which was put up for sale. Defendant chases off potential buyers and also drank and had a foul temper. The family arranged to have defendant examined at the Georgia Mental Health Institute in Atlanta. The admitting physician conducted a 90-minute interview and decided to admit defendant for evaluation. He stayed in the hospital less than a week and returned home and instituted divorce proceedings against his wife. About three weeks later, Sept. 29, 1973, he shot his son-in-law when the defendant's wife, daughter and son-in-law came out to remove belongings from the old home. Testimony of witnesses and defendant presented several conflicts, e.g. whether there had been veiled threats of a whipping from the family, and whether the son-in-law dashed out the front door and struck defendant down before defendant left and returned with his shotgun. Considerable psychiatric testimony.

NS: State did not ask for death penalty.

MR

1974-28 (1973) Reversed  
MILL, ALICE ASKEWMURDER  
(Life)28871  
CARROLL

SUMMARY: At approximately 3:00 to 4:30 p.m. on March 30, 1973, three brothers, Jennie, Larry and Bobby Vaughn, and a friend, Lamar Taylor, were drinking beer and "pitching pennies" by a bridge on the side of a dirt road which connects the Hayes Mill road and the Bonner "black top" road near Carrollton. The Vaughn brothers testified that the appellant drove to their location from the direction of the "Black top" road. With her in the car were Lonnie Kidd and David Lee Askew, her brother. Appellant told Taylor and the Vaughn brothers that she was taking Kidd and Askew to meet two girls. She then drove up the dirt road and over a hill toward the Hayes Mill road. Some time later, the appellant returned alone from the direction of the Hayes Mill road and again stopped to talk with Taylor and the Vaughn brothers. Bobby Vaughn got into the car with her, and the two drove up to the top of the hill, turned around, and returned to the spot near the bridge. Hill Seaton, a local resident, testified that he turned onto the dirt road from the Hayes Mill road and saw one Gaines leaving the area. Gaines told him that a man was lying dead further up on the dirt road. After briefly inspecting the body, Seaton told Gaines to stay on the scene while he went to phone for help. Seaton then proceeded along the dirt road, over the hill, and approached the bridge where the appellant, the Vaughn brothers, and Taylor were located. He told them that a man was lying dead on the other side of the hill and that they were to stay where they were. He continued down the dirt road and called the sheriff. The appellant then drove again to the top of the hill, this time with Lamar Taylor in the car, turned around, and drove back past the bridge toward the "black top" road and into Carrollton.

contd





contd.

e victim, a cab driver, had been shot and beaten to death following or in  
 2 course of a robbery. Appellant was accessory.

Reversed because statement of accomplice admitted in evidence.

74-29 (1973) Affirmed MURDER CP 28874  
 IN, GERALD LAMAR (Life) FULTON

SUMMARY: On February 18, 1973, shortly before 7:00 p.m., Defendant fatally  
 shot Rosa Hogan. Defendant was a friend of the victim, and had entered her  
 residence with her approval sometime earlier in the afternoon prior to the  
 shooting. The victim's ten-year-old daughter, Brenda Ann, told the court that  
 Defendant had told her mother that he would take her to the west end of Atlanta  
 she would clean up her house. This was followed by Defendant's leaving the  
 victim's house to go to a Jack's house. Defendant returned to the victim's  
 house shortly thereafter and followed the victim around her house as she worked  
 until Defendant, the victim and her three children got into the kitchen. Very  
 little conversation transpired between Defendant and the victim following  
 Defendant's return from Jack's house; nor was there any argument. It was in the  
 victim's kitchen, in front of her three small children that Defendant, while  
 the victim had her back to Defendant, removed a gun and inflicted a wound which  
 ultimately led to her death shortly thereafter. Following the shooting,  
 Defendant in his truck took her to the hospital. She died at the hospital.

No valid death penalty statute in effect on this date of this offense.

CP

28918  
SUMTER

74-34 (1973)  
 INES, ROBERT ALLEN  
 alias Wallace, William James

MURDER  
(Life)

SUMMARY: The testimony of two eyewitnesses, Herschel Neely (or McNeely) and  
 James Battle, showed that at approximately 2:50 a.m. on August 10, 1973, the  
 defendant and the victim Samael Merritt had a brief conversation on a street  
 corner outside a cafe in Americus, Georgia; that the appellant left and Merritt  
 was joined by Neely and Battle; that shortly thereafter the defendant walked  
 back down the street and joined this group; that after a brief exchange with  
 Merritt, the defendant pulled a gun from his belt and shot him in the chest;  
 and that there had been no words or fighting between the two men prior to the  
 shooting. Eddie McGrady, a security officer, testified that he was sitting  
 in his office close to where the shooting occurred and heard the shot; that he  
 immediately opened his door and saw Merritt run by and fall to the ground  
 approximately 15 feet away; that he saw the defendant and ordered him to halt,  
 but he ran up the street; that he fired a warning shot in the air but the  
 defendant kept on running and turned into the yard of Clarence Smith; that  
 after going back and ascertaining that the police and an ambulance had been  
 called for the victim he went to Clarence Smith's home; and that the defendant  
 surrendered himself to him there and he then turned him over to Officer Hayes  
 of the Americas Police Department. Officer Hayes, with permission, searched  
 Clarence Smith's house and found a pistol, subsequently identified and  
 introduced in evidence, under a couch in the carport which was loaded with  
 three live rounds and a spent shell.

1974-35 (1973)  
 McHAN, ALBERT E.

MURDER (2) & Agg. Aslt.  
(Life) (5Yrs)28920  
WHITFIELD

SUMMARY: On Sunday, February 11, 1973, Appellant sought out Billy Cross (age 26)  
 and asked him for assistance in moving Appellant's trailer. Billy's two  
 brothers, Larry age 19, and Michael, age 16, decided to go with them. They  
 went to Appellant's trailer where the three Cross boys sat down on a couch.  
 The Appellant locked the door, and on the pretense of getting something to  
 drink drew a gun from a cabinet drawer. Appellant then asked Billy Cross  
 concerning the whereabouts of Appellant's wife who had left him two weeks  
 earlier. Billy Cross stated that he had no idea as to where Appellant's wife  
 was, to which, Appellant's reply was that, "... I was either brave or  
 crazy one..." Appellant shot Billy Cross twice, then shot Michael Cross  
 killing him, and in the ensuing struggle for the gun he shot Larry Cross and  
 killed him.

NB: Death penalty not effective on date of this offense.



1974-36 (1972) CP  
HULSEY, JERRY WADE MURDER (3) 28927  
Life WHITFIELD  
SUMMARY: In the evening hours of June 24, 1972, and the early morning hours of June 25, 1972, several young people were gathered at the trailer-home of Jimmy Large and his half brothers, Bobby, Jerry, and Johnny Nichols in Whitfield County. Present were Large and his half brothers, Bobby and Jerry Nichols, Loretta Hedden, Lynnette Duersel, and Steve McClure and his sister, Sherri. The group was sitting around the trailer listening to music and talking. Near the midnight hour the defendant, Jerry Wade Hulsey, arrived. Hulsey knew most of those present in that he oftentimes frequented the trailer-home of Large and the Nichols brothers. Although the late June evening was rather warm, Hulsey arrived wearing a jacket. The jacket concealed a .45 caliber automatic pistol. Hulsey kept his jacket on, consumed a glass of water, retired to the bathroom for a short period, and returned to gun down most of those gathered in the trailer. Hulsey fired twice at Jimmy Large, hitting him in the chest. Steve McClure was then shot in the chest. Bobby Nichols was next fired upon by Hulsey but Hulsey's aim was wide. Loretta Hedden was then hit by Hulsey's next shot. Sherri McClure was fired upon next, again, receiving a wound in the chest. Finally, Jerry Nichols was hit in the back as he attempted to flee. Jimmy Large, 18 year old Steve McClure, and 16 year old Sherri McClure died as a result of the chest wounds suffered by them at the hands of Jerry Wade Hulsey.

1B: Death penalty statute ineffective on date of this trial-Furman  
lots of psychiatric testimony.

1974-38 (1973) CP 28953  
EADES, Larry MURDER & Armed Rob. (Life) (Life) FULTON  
SUMMARY: The A & P Food Market located at Edgewood Avenue at Bell Street, Atlanta, Georgia, Fulton County, was robbed on February 9, 1973. During that robbery, Mr. Harold Martin, the manager, was killed by one of the Perpetrators. The State called to the stand Tommy Davis, a co-defendant of the appellant, who testified that he, the appellant, John Fallings and James Clark, agreed among themselves to rob the aforementioned A & P Market. That on February 9, 1973, Davis procured a gun and met with the appellant, John Fallings and James Clark. That all of the aforementioned had guns and they drove together to the A & P Market. Davis testified that prior to arriving at the market, all discussed committing the robbery; and, that Fallings suggested robbing that particular market. It was agreed that the appellant and Fallings would go into the market to commit the robbery while Clark positioned himself as a lookout and while Davis remained in the getaway car. Davis testified that after the robbery and while he and his companions were making their getaway, the appellant stated that during the robbery, Fallings' gun went off while Fallings pistol-whipped the manager.

1B: Georgia death penalty statute not in effect on date of this offense,

1974-39 (1973) MR 28954  
JORDAN, JACK MURDER FULTON  
SUMMARY: On Aug. 26, 1973, the defendant and his wife, Jacqueline, and Henrietta Weaver and James Bell, the deceased (who lived in apartment with Henrietta came back to Henrietta's apartment from a "political" party at about 2:00 a.m. The defendant and the deceased went out together. After they came back, the deceased went to bed. Henrietta, talking with defendant and his wife, stated that the daughter of the deceased had gotten fat. The deceased jumped up and said, "What you talking about my child for?" The deceased started cursing and went at Henrietta with a knife and a bar stool. The defendant told his wife and Henrietta to go out on the porch, that he would "cool him down." They went outside, and heard tussling and some glass. They took a taxi away from the scene. Defendant went home and got a gun and went back and shot the deceased. He alleges that the deceased kept coming at him and in one version of his testimony states deceased had a knife. He remained at the scene until the police arrived.

Note: Judge instructed that Life was the only legal sentence.

1974-43 CP 29015  
WEST, WILLIE C. Jr. MURDER ARMED ROBBERY (Life) (Life) BURKE  
SUMMARY: Allen DeLoach was killed on January 20, 1973. An accomplice of the defendant, John Junior Williams, testified that on the day of the murder he borrowed a gun, identified as a "Clerk First" 32 caliber pistol, from John White. About 7:15 that evening he had a conversation with appellant and one Jackson at which appellant and Jackson agreed to "get" DeLoach, and Williams agreed to pick them up afterwards. Appellant and Jackson left, and Williams waited ten or fifteen minutes and drove past the Red and White Supermarket, which was operated by DeLoach. He parked his car and walked toward the store. At that time he saw DeLoach lock the door to his store, walk to his truck, open the door to the truck, and place something inside. DeLoach then turned and began to urinate. Jackson approached DeLoach and Williams heard a shot, saw Jackson run, and heard two more shots. DeLoach ran toward Jackson after the shots were fired. Williams testified that he saw the appellant in the parking lot during this period of time. Williams returned to his car, drove a couple of blocks, and picked up Jackson and appellant. They asked to go to the "Stag Club," but Williams changed their minds and were left at the "Wash House." Williams went home; fifteen or twenty minutes later, he was driving in the vicinity and was stopped by appellant who gave him \$20.00 "for your trouble."

Note: Death Penalty Statute not in effect on date of this offense.

1974-44 MURDER (Domestic) CP X(1) 29030 HALL  
 BONDS, CURTIS (Life)  
 SUMMARY: Curtis Bonds, the defendant, and his wife, Ella Mae Bonds, had been separated for several months. He went to the home where she and their four sons lived about 2:00 a.m. on January 27, 1974. The victim ~~awakened~~ his wife, awakened the children and told them their father ~~had~~ had come to see them. After they had seen their father the children went back to bed. The defendant was drinking vodka. When the children woke up later in the morning the defendant was still in the living room talking with the victim. The victim tried to get the defendant to leave the house and "sleep it off". The victim sent one of the children to her daughter's home to ask them to come there. The defendant asked the victim if she had ever seen a "full blooded murder." The defendant had a shotgun with him which he had brought ~~with~~ their son. He pointed the gun at the victim and she told him to leave and kept pushing the gun away trying to keep him from shooting her. She succeeded in pushing him out the door and then broke away and ran back into the house. He shot her in the back of the head when she was about to step inside the door. The defendant went back into the house and told the children that he had shot their "old lady." He pointed the gun at them and they asked him not to shoot them. The homicide occurred in the presence of three of the children who testified in this case. After the defendant was arrested the ~~sister~~ sister of the victim asked him why he had killed her. He stated that she and her brother were next. The defendant testified that he did not know the gun was loaded and that after a brief struggle for the gun with the victim he slipped and fell and that it accidentally fired and hit her in the back of the head.

974-52 (1960) MURDER (life)  
 AILEY, JOHN WESLEY  
 SUMMARY: This is the fourth appeal from Bailey's 1960 conviction for murder of his father in law on Jan. 16, 1960.

29084  
 NEWTON

o trial report prepared by DAY because it is too far out of the time frame.

974-54 (1973) MURDER (life) CP 29096 FULTON  
 ILLTON, JOHN ROBERT  
 SUMMARY: In the early morning hours of August 24, 1973, Bradley Couch was ordered by Appellant after a brief altercation occurring outside of an Atlanta nightclub. The deceased and two other companions had come to Atlanta from Peachtree City shortly after midnight when the bar that they were in had closed. The deceased and his two companions left the Atlanta bar somewhere between 3:30 a.m. and 4:00 a.m., after they and the other patrons had been notified the bar was about ready to close. As they left they noticed two men standing by a motorcycle which was parked directly at the foot of the steps leading from this nightclub. Just before the victim and his two friends approached their automobile in the parking lot, a rock struck their car. ~~At~~ the deceased and one of his friends looked around to see if they could find here this rock had come from, and as they did they noticed that the two men who had been standing by the motorcycle which they had previously passed were approaching in their direction. These two men then asked the victim and his companions whether ~~or~~ or not they had ~~thrown~~ thrown a rock at their motorcycle. An argument ensued that resulted in an altercation. The victim's friends allege that Appellant cut at the deceased with a razor box and appellant claiming the victim cut him with a knife. Appellant turned and ran into the nightclub. The deceased and his companions then proceeded to unlock their automobile so that they could leave. The Appellant came out of the nightclub, approached them unleashing a barrage of obscenities at the deceased, produced a gun and fired it at the deceased. Appellant then turned and got on a motorcycle and left the parking lot. The victim died of an unshot wound.

1974-49 MURDER CP 22)29080 FULTON  
 TUCKER, DIXIE (life)  
 SUMMARY: On Oct. 9, 1973, appellant shot the deceased twice with a pistol while they were in a grocery store. There was no provocation for the homicide apparent to the witnesses. The appellant stated to a store employee, who detained him until the officers arrived, that the deceased had been mistreating him. The evidence showed that the deceased and the appellant both had lived in a public housing project for low income elderly persons.

974-61 (1973) MURDER (life) CP 29143 FULTON  
 HIGH, RALPH  
 SUMMARY: In the early evening hours of June 25, 1973, Robert Lee Foster left home for work. Robert Foster, 28 years old, was mentally retarded and for several hours each evening did cleaning chores at the Scoggins Package store in East Point. Foster carried a small caliber pistol during his evening hours at Scoggins. The appellant, Ralph High, from the same East Point neighborhood, had known Foster and his mother for many years. Later in the evening of June 25, Foster was accosted by the pistol-wielding High. In an effort to support his heroin addiction, High fired a random shot, hoping to frighten Foster into parting with some of his money. As Foster turned in response to the shot, High saw that Foster also had a pistol, became frightened himself, and fired another shot at Foster, hitting him in the chest. High fled from the scene. Foster was dead on arrival at a local hospital. Death was caused by the gunshot wound to the chest inflicted upon Foster by High.



CP

1974-62 (1973) MURDER Agg Aslt Rob by Force 29154  
 BROWN, Johnny Leroy, et al (Life) (10 yrs) (20 yrs) CHATHAM  
 (et all is Brown Bobby Leroy age 30)

SUMMARY: These offenses occurred August 3, 1973. The evidence shows that Wyomie Pryor had known the defendant brothers for a long time and had lived with Bobby Leroy Brown for several months. She and the brothers went to a certain house in Frogtown and she bought a half-pint of whiskey for them. The victims, Allen Givens and James Stevens (alias Cornbread) arrived at the house later. Johnny Leroy Brown heard Cornbread mention something about money. The defendants and Wyomie left the house and waited outside for the victims to leave. When the victims left, Johnnie Leroy Brown attacked Givens with a knife while Bobby Leroy Brown attacked Stevens with a large concrete block. The defendants then went through the victims' pockets taking an unknown amount of change from Givens and the victims were then dragged into the bushes. During the attack Wyomie testified that she tried to get the defendants to stop but that they ignored her. After the attack she stated that she did not call for help for the victims because someone else had already called. Other evidence was introduced which showed the scene of the crime, the wounds inflicted on Givens and Stevens, and the condition of Givens' clothing which was the same as the testimony given by Wyomie. A statement of Johnnie Leroy Brown was also introduced into evidence which contained an admission that he inflicted some blows on one of the victims. James Stevens died from his injuries.

1974-63 (1973) MURDER 29179  
 WILSON, HARRIS (Life) CLINCH

SUMMARY: Appellant was having domestic problems with his wife during the weeks preceding the homicide, and found her at the home of the victim on at least two ~~separate~~ occasions. On one such occasion, he found her in a partially undressed state. On the day of the killing, July 3, 1973, appellant went to the home of the victim in search of his wife. Unknown to appellant, his wife was sequestered behind the house. Heated words were exchanged, and appellant drove away, followed by the victim. About a mile down the road the vehicles were stopped at which time appellant delivered a fatal wound to the victim with a pocket knife. The only eye witness for the state testified that he was at the victim's home during the verbal exchanges. The witness stated that appellant ~~then~~ challenged the victim to a physical confrontation to take place at Kings Creek, about a mile down the road from the victim's house. Appellant ~~then~~ departed in his truck and the victim followed in his own truck. The witness waited a minute or more and followed, coming upon the two trucks, now parked on opposite shoulders of the road a mile or so down the ~~same~~ road. At that point he saw appellant leave his own truck, approach the victim's truck, open the door, make two or three thrusting motions with his arm close the door, run to his own truck, and drive away from the scene. The witness approached the victim's truck and was asked to drive him to the hospital. While moving the victim to the passenger side of the vehicle, the witness saw a cut on the victim's chest. The witness testified that he did not see either the appellant or the victim with a knife, and from his view point, was

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able to see the hands of the victim when the knifing took place; he never saw the victim leave his truck. A nurse at the hospital found a closed pocket knife in one of the victim's pockets. Appellant's testimony may be summarized as follows: The victim issued a verbal challenge to fight, whereupon appellant left the house. The victim pursued. Both trucks stopped and both men got out of their trucks. Upon seeing that the victim was armed with a knife, he drew his own knife. The victim made the first threatening moves, and in the ensuing scuffle appellant swung at the victim, but did not know if he wounded him. He returned to his truck and ~~then~~ left the scene.

1974-68 (1972) MURDER 292  
 BATTLE, Bobby Lee (Life) RICHMOND  
 SUMMARY: On Aug. 21, 1972 the defendant's wife was visiting in her mother's home in Augusta, Georgia. The defendant was there. The mother in law testified defendant chased her out of the house with a pistol, hit her daughter in the head and while she was next door calling the police she heard a shot fired. Her daughter was killed by a gunshot wound in the left temple. Defendant claimed he was handing the gun to his wife to put up when it fired.

Note: Death Penalty statute not in effect on date of this offense.



19  
THOMAS, GEORGE JR. (Life) (20 yrs) CHATHAM  
SUMMARY: The appellant, George Thomse, Jr., Rufus Busby, and Stanley Stubbs began the summer of 1973 as roommates. The trio shared a house rented by Stubbs in Savannah near Savannah State College. Busby was a college student but was working during the summer months. Stubbs was also a college student and attended Savannah State College for two quarters. Near the noon hour on June 28, 1973, Rufus Busby came home from his nearby job for lunch. Thomas was at home and asked Busby if a nearby store, the B. J. James' Confectionery, was open. Stubbs asked also came home for lunch but soon returned to Savannah State College for an afternoon class. When Stubbs returned home shortly afterwards after 2:00 p.m. he found a knife sticking in the door to his bedroom. Thomas admitted sticking the knife in the door. Shortly thereafter, Thomas, aware that checks were regularly cashed at the confectionery, took the knife from Stubbs' door, donned a mask, and proceeded to the confectionery where he demanded of the proprietor, 68 year old B.J. James, "Give it up." James indicated where he kept his cash and when Thomas reached for the money, James attempted to foil the robbery, striking Thomas on the forehead and grabbing his mask. When struck by the elderly James, Thomas began slashing and stabbing him with his knife. Thomas inflicted sixteen stab wounds on James, ran from the store with \$68.00 obtained from the cash drawer, and disposed of the mask and knife. James died as a result of multiple stab wounds, including one that perforated his heart, inflicted upon him by Thomas.

1974-73 (1974) MURDER CP (Domestic) 29312  
BROWN, THURSTON EUGENE (Life) BIBB  
SUMMARY: On January 21st, 1974, about 9:00 p.m., Betty Hayes was found in the hallway of her apartment house. She had been shot several times in the back and arm and was pronounced dead by the coroner at the scene. Appellant stated they were engaged in a domestic argument about money he spent for his food and she went to get a gun from out of the bed and it fired and he got it away from her and fired some more hitting her. She appears to have been his common law wife.

1974-75 (1974) MURDER Agg'd Aslt. MR 29314  
PACE, CHARLES EDWARD (life) (10 yrs) MUSCOGEE  
SUMMARY: At approximately 1:45 a.m. on April 28, 1974, David Jones, Johnny Mitchell, and Eddie Carter were in a 1966 Buick automobile owned and driven by Milton Jones. They were proceeding south on Victory Drive in Columbus, Muscogee County, Georgia. Their intended destination was the Krystal restaurant, but they saw that it was crowded and made a "U" turn proceeding back in a northerly direction toward Columbus. After making the "U" turn, a blue Oldsmobile passed their car at a high rate of speed. It then swerved to a stop to the right of the highway some distance in front of them in front of a restaurant called the Beef House. The trunk of this car flew open, a man exited from the car, took a gun from the trunk, and fired several shots at the car in which the victims were riding. Eddie Carter, Jr. was struck in the head by a shot and this caused his death on May 2, 1974. Milton Jones was struck by a shot in the head and hand. Milton Jones and David Jones each identified Pace as the man who fired the shots.

1974-79 (1974) MURDER MR "Domestic" 29331  
PROVEAUX, CARL (life) COLUMBIA  
SUMMARY: The trial evidence showed that the child, the ten-month-old son of the defendant's girl friend died on Feb. 13, 1974, from injuries received while in the defendant's care. Proveaux admitted to an investigator that he had abused the child on previous occasions, but maintained to the investigator and at trial that he had been changing its diaper and when he left the room for a moment it had fallen from the sofa onto the floor. He testified that it was gasping for breath, and he slapped it a few times to revive it, and then attempted to administer heart massage. The testimony of the director of the State Crime Laboratory, who conducted the autopsy, was that he found extensive external and visible injuries to the child, including teeth marks on both arms, and extensive internal injuries which were inconsistent with a fall from a sofa and with heart massage but were consistent with a blow or blows to the body. The evidence tended to show multiple impacts to the abdominal cavity, as well as hemorrhages of the liver surface and of the tissues below the pancreas. The cause of death was a rupture in the heart, and his opinion was that such a rupture was consistent with a very hard, localized blow; and totally inconsistent with a fall from a sofa or heart massage.

1974-80 (1973) MURDER (Domestic) CP 29338  
SIMMONS, JOE G. (life) OBLETORPHE  
SUMMARY: Barbara Simmons, the victim, (the divorced former wife of the defendant, had arranged to meet one Walt McCannon in a wooded area on the afternoon of October 10, 1973. McCannon arrived in his truck, accompanied by three Negro employees to whom he was giving rides home. He testified that he saw Mrs. Simmons in her automobile, a 1970 Mercury, and leaving his employees to wait for him he joined her. A few moments later, hearing a suspicious noise, he checked the rear of the automobile, saw that the trunk lid was slightly open, and, opening it further, he saw a flash and "a wallowing motion" at which point he ran away into the woods. He heard a scream and a shot, but continued running about a mile to a house from which he telephoned the sheriff. He told the sheriff he had seen a gun barrel protruding from the trunk, held by white gloved hands. The sheriff proceeded to the area but found neither the truck nor the Mercury. The testimony of the three Negro employees was that while they were waiting for McCannon's return Simmons came up carrying a rifle and wearing white gloves, and embarked upon a course of terrorizing the three men over a period of some hours, compelling them to assist him in moving and damaging the truck, and moving the Mercury. He threatened their lives if they failed to cooperate. Finally Simmons, still accompanied by the three Negro men but now driving a third vehicle, picked up his two sons at school and in their presence dropped the three men off with \$2.00 apiece to buy liquor and a threat to kill them if they told the law enforcement officers of his recent activities.

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Simmons' son Joey, 14 years old, corroborated the testimony concerning Simmons' remarks while putting the three men out of the truck; and testified that his father brought his rifle out of the vehicle into the house, and that ~~dia~~ later that night he had heard his father praying, asking God's "forgiveness for what he'd done."

On the following day, October 11, McCannon found his damaged truck in the woods, and the three employees led authorities to the place where the Mercury had been left. It had suffered gunshot damage to the trunk lid. Mrs. Simmons' body, with a gunshot wound, was discovered in the woods the next day, October 12, hidden beneath an automobile floor mat and a pile of brush.

1974-82 (1974)  
ANDERSON, ALFRED

MURDER  
(Life)

CP

29345  
LOWNDES

SUMMARY: On the afternoon of January 4, 1974, the defendant left his shotgun with a neighbor. Later that evening he returned to retrieve his gun, conversed with his neighbor and another witness, then began to leave from the neighbor's back porch. At this time the victim arrived and commented to the defendant with regard to the manner in which he was carrying the shotgun within the city limits. The defendant threatened to kill the victim, then almost immediately discharged the shotgun. The shotgun blast killed the victim.

The defendant stated that after he had warned the victim to stay away from him, the victim continued toward him with a knife and he had no choice but to shoot. No knife was found at the scene and both eyewitnesses testified that they did not see a knife in the victim's possession.

1974-81 (1973)  
JACKSON, CLARENCE

MURDER  
(life)

CP

29343  
LOWNDES

SUMMARY: On May 21, 1973, the defendant and the victim were involved in an argument on the street outside of a bar. The defendant pulled a pistol on the victim and threatened to kill him. The victim left and reported the incident to the police. Several hours later the victim was inside the bar when the defendant entered. As the victim walked toward the front door, the defendant followed, confronted him and began firing his pistol. The defendant fatally wounded the victim and hit the victim's friend in the thigh. A pistol belonging to the victim containing four spent shells and one live shell was found on the floor next to his body.

1974-86 1973  
BARKER, W.A.

MURDER  
(Life)

CP

29378  
BIBB

SUMMARY: On September 23, 1973, the defendant and two companions, Mercer and Livingston, had been drinking at a drive-in. The defendant displayed a pump shot gun to a witness and suggested they go "get a nigger." He and his companions then drove around in Mercer's car until about midnight. At that time the victim and his companion, Stephens, were in Stephens car and first saw the defendant and his companions stopped at a red light. After s topping at red lights at two more intersections, words were exchanged between the occupants of the two cars. Stephens then drove at a high speed and was chased by Mercer. When Stephens arrived in front of the victim's home, he and the victim jumped out of the car, apparently leaving the keys in the ignition, and ran to the house. The defendant and his companions jumped out of their car. Mercer shouted "Halt" and fired a shotgun blast into the porch roof. He then fired a second blast which fatally wounded the victim. Mercer then drove off with the defendant and Livingston.

Barroom Shooting following Argument



1974-91 (1974) MURDER (Life) CP (domestic) 29389 OGEITHORPE  
 ABNER, ROSS JACKSON  
 SUMMARY: On January 13, 1974, the defendant was drinking beer and watching television with a companion in the defendant's home. The defendant and the victim, the defendant's wife, argued over the defendant's consumption of the beer. After the defendant slapped the victim, the victim called her sister to request assistance in leaving the house. The defendant then took a shotgun from a gun rack on the wall, pointed the gun at the victim, and fired the gun, killing the victim. The victim's 23-year-old son by a previous marriage witnessed the incident. The son told the defendant to call an ambulance; however, when the defendant was unable to communicate with the telephone operator, the son requested the ambulance.  
 The defendant testified that the gun was discharged accidentally when the victim grabbed it, and that he did not know that the gun was loaded. The defendant denied that he was intoxicated at the time of this incident.  
The prosecutor waived the death penalty.

1974-105 (1972) MURDER (Life) CP (domestic) 29478 FORSYTH  
 NICHOLS, LONNIE TILLMAN

SUMMARY: On November 11, 1972, the defendant and his wife, the victim, were arguing in their home. The defendant pushed the victim down on the couch several times with his hand and asked her if she were afraid to die. He then fatally wounded her with a shot from a shotgun.  
 In an unsworn statement the defendant admitted that he had been drinking and that he had killed his wife; however, he maintained that the killing was an accident.

DEATH PENALTY NOT IN EFFECT

1974-101 MURDER (Life) CP 29434 MADISON  
 SCOTT, JAMES

SUMMARY: On November 10, 1971, the victim, a route man for a beer distributor, offered to give his helper a ride home. The victim was carrying the day's receipts which included over \$700.00 in cash. After dropping his helper off, he was met on a country road by the defendant and a co-accused who was a former helper who had been discharged a week prior to the offense. The defendant shot the victim four times and took the cash from him. He was left dying in his automobile. The defendant and co-accused had borrowed the automobile and pistol they used about two hours prior to the crime.

1974-109 (1974) MURDER (Life) CP 29505 FORSYTH  
 BROOKS, BOBBY

SUMMARY: On July 19, 1973, at about 3:00 pm the victim, a 78-year-old man, rode with the defendant to a local grocery store to purchase some items. The victim's body was found the next day with 3 or 4 puncture wounds in a creek underneath a bridge. The victim generally carried \$70 or \$80 with him.

On the same day the defendant visited a friend around 6:30 pm. He told the friend that he had about \$70 or \$80 but needed more to take a trip. About 9 pm the defendant visited his brother-in-law; he later visited his sister-in-law; he then returned to his brother-in-law's to spend the night. The next morning the defendant told his brother-in-law that he had pushed a man off a bridge and that he thought he might have killed him.

The defendant testified that after he and the victim left the grocery store, they went to a beer store. The defendant saw the victim leave the beer store with several other men and did not see the victim again.

CIRCUMSTANTIAL EVIDENCE CASE - NO DEATH SENTENCE SOUGHT

HABEAS CORPUS CASE

See 1972-59 (1971)  
 SCOTT, JAMES  
 Case No. 27443  
 230 Ga. 47 (1973)



1974-111 (1974)  
COATS, HOWARD JR.

MURDER & 2 pistol misdemeanors  
(Life) (12 mos. each)

29525  
FULTON

SUMMARY: On July 8, 1974, the victim and a friend were in a bar when the defendant and two companions entered. The defendant and the victim argued. The defendant went outside and returned. The victim went outside and returned. The defendant and the victim argued again, then the defendant shot the victim, fatally wounding him. The victim's gun was found by his body.

The defendant stated that he shot the victim in self defense.

CIRCUMSTANTIAL EVIDENCE CASE - DEATH SENTENCE NOT SOUGHT

1974-113 (1974) Rev'd 1975  
EDWARDS, JAMES

MURDER  
(Life)

CP

29530  
FULTON

SUMMARY: On December 23, 1973, the defendant visited a friend's apartment. The victim arrived later. The defendant and the victim argued about a coat which the defendant had pawned to the victim. The defendant then shop the victim with a pistol, fatally wounding him. The defendant then dragged the victim across the floor, slammed the victim's head on the floor, and took some money and the coat from the victim.

The defendant stated that his pistol had fired accidentally.

V.B. Rev'd: Error in jury charge on felony murder rule; court failed to recharge jury on their request as to definition of murder and manslaughter.

1974-116 Rev'd 1975  
FAVORS, JOE

MURDER (1974)  
(Life)

29555  
COBB

SUMMARY: On November 16, 1973, the defendant and two companions went to his cousins' apartment. After about 5 or 10 minutes they left. The victim arrived at the same apartment some time later. When the defendant returned to the apartment, he drew a .38 caliber revolver, pointed it at the victim, and fired the pistol. The bullet entered the victim's head, fatally wounding him.

The defendant stated that he did not know that the gun was loaded and that the shooting was an accident.

STATE WAIVED DEATH SENTENCE

N.B. Rev'd: First offender record of witness erroneously excluded;  
Request for jury to be polled erroneously denied.

1974-117 (1974)  
DAVIS, OLIVER

MURDER  
(Life)

CP

29557  
BROOKS

SUMMARY: The 15-year-old defendant and the victim did not get along well. On the evening of March 23, 1974, the defendant threatened the victim. Nevertheless on March 24, 1974, the victim visited the defendant's residence. The defendant took his grandfather's rifle from its rack, pointed it at the victim, and fired the rifle, causing the victim's death. The defendant later confessed to his grandfather that he had shot the victim.

PROSECUTOR WAIVED DEATH SENTENCE

1974-118 (1973)  
CODE, WILLIE JR.

MURDER (2 counts) & Armed Robbery  
(Life - 2 counts) (10 yrs.)

29558  
BIBB

SUMMARY: On March 27, 1973, two employees of a package store were killed by shotgun blasts. The circumstances at the scene indicated that a robbery had taken place. The witness who discovered the incident noticed a Volkswagen leaving the store. Another witness identified the defendant in a lineup as the man he had seen in a Volkswagen near the package store. This witness had seen the defendant get out of the car, & put liquor bottles and a rifle or shotgun in the trunk of the car.

The police seized a shotgun which had been recently fired, several liquor bottles, and \$25.00 from the defendant's residence. After the defendant was informed by the police that this evidence had been similar to that taken in the robbery, and that the defendant's alibi had been refuted, the defendant admitted that he committed the robbery and the shootings and showed the police the location of the rest of the stolen money.

DEATH PENALTY NOT IN EFFECT

1974-123 (1974)  
JONES, ROBERT IEE

MURDER  
(Life)

CP

29586  
FULTON

SUMMARY: On June 1, 1974, the victim, who had agreed to repair the defendant's car, was asleep in his room in a rooming house. The defendant was let into the rooming house, cursed loudly, waking up the victim, and entered the victim's room. The defendant asked the victim where his (the defendant's) car was; the victim responded that he could have the car if he paid him \$58.00. The defendant then shot the victim with a shotgun, fatally wounding him.

The police officer who arrested the defendant stated that he heard the defendant mumble he had just shot a man.

The defendant stated that he shot the victim in self-defense.

Judge imposed life sentence with no mention to jury of death sentence.

1974-122 (1974)  
FREEMAN, ROBERT

MURDER  
(Life)

(Domestic) CP

29580  
LOWNDES

SUMMARY: On the evening of January 19, 1973, the defendant went to the home of the victim, his estranged wife, and their 5 children. Neither the victim nor the children were at home. Soon after their arrival around 4:00 AM on January 20, 1973, the defendant kicked in the back door of the house and entered with a shotgun in his hands. After threatening to kill everyone in the house, he shot the victim in the abdomen.

The defendant stated that his wife grabbed the barrel of the gun causing his thumbs to hit the hammer and the trigger so that the gun went off.

The victim died on September 20, 1973, after an operation in connection with her shooting injuries.

PROSECUTOR WAIVED DEATH SENTENCE.

1974-124 (1974)  
SPENCE, DAVID OMER

MURDER  
(Life)

CP

29587  
PAULDING

SUMMARY: On March 17, 1974, the defendant was working at a truck stop when the victim, more than legally drunk, and some friends entered. The victim threatened the defendant, the victim and the defendant exchanged words, then the defendant requested that the victim and his friends leave. Outside, the victim came toward the defendant, the defendant retreated, & the defendant pulled out his gun and shot it once in the air. The defendant then requested help from the police on the telephone. The victim's friends forced him into the car, but the victim got out and ran toward the defendant. The defendant shot four times as the victim continued to run toward him; the defendant hit the victim twice; one of the shots fatally wounded him.

Death penalty not in effect - 3 -

1974-128 (1971)  
OWENS, LOY ALTON

MURDER & Bigamy & Incest  
(Life) (10 yrs.) (29 yrs.)

CP  
(domestic)

29607  
COBB

SUMMARY: On February 15, 1971, the trailer in which the defendant and the victim, who was both the defendant's wife and his daughter and who was still married to another man, were living caught fire. Testimony indicated that a flammable liquid had been poured on the floor of the trailer and on the victim and ignited. The defendant, who was unemployed and had been drinking, left the trailer. The victim then emerged in flames; she later died primarily from smoke inhalation and secondarily from burns. The defendant collected insurance on the trailer under a policy which expired two days later.

The defendant stated that the trailer burned because of flames coming from a Coleman lanterns; that he attempted to put the fire out; and that he thought his wife had escaped from the trailer. He further stated that he was not the father of the victim and had not had sexual relations with her.

1974-129 (1974)  
BURKE, CHARLES JR.

Murder (life)  
Armed Robbery, 2 counts (10 yrs. ea.)  
Aggravated Assault, 2 counts (1 yr. ea.)

CP

29609  
WALKER

SUMMARY: On December 14, 1973, the defendant and two friends drove to a small grocery store. The defendant entered the store then walked outside. His friends then entered the store, one carrying a sawed-off shotgun. The friends took money from the cash register, fatally wounded the proprietor, threatened and took money and other items from a customer, struck the customer with a shotgun, and fired the gun at a milk deliveryman who happened to come on the scene. The defendant remained outside during these events, but the defendant and his two friends left the scene together and shared the stolen money.

One charge of armed robbery was vacated because it was an included offense.

Principal Offender Dobbs 30543 Sentenced to Death

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1975-3 (1974)  
SIMS, RICHARD

MURDER & Robbery  
(Life) (5 yrs.)

CP

29675  
FULTON

SUMMARY: On August 30, 1974, the robbery victim, a security guard, was waiting at a bus stop. The defendant stole the victim's gun, ran to a waiting automobile, and drove away with two companions. Further down the street, the defendant shot and killed an unarmed pursuer who had succeeded in persuading the driver of the automobile to stop.

The defendant stated that he accidentally bumped into the security guard, causing his gun to fall to the street. The defendant grabbed the gun when the guard threatened him. The defendant was vague about the shooting.

PROSECUTOR WAIVED THE DEATH SENTENCE.

Judge imposed sentence.

1975-4 (1973)  
JACKSON, TONY

MURDER  
(Life)

29680  
BIBB

SUMMARY: On April 11, 1973, the defendant and the victim who were friends were at a neighborhood party. The two men argued about the victim's improper conduct toward the defendant's wife. The two men were separated by others at the party, but soon began to fight. The victim grabbed the defendant's legs. The defendant pulled a knife from his pocket and stabbed the victim twice, fatally wounding him.

The defendant stated that he stabbed the victim in self-defense.

Prosecutor waived the death sentence.



1975-5 (1974)  
STEWART, GEORGE

MURDER  
(Life)

CP

29683  
BUTTS

SUMMARY: On May 11, 1974, the defendant was waiting for his wife, from whom he was separated, at her apartment. When the wife and the victim drove into the parking lot, the defendant ran out of the apartment and began shooting at the automobile. The first shot went through the windshield. The wife ran out of the car. The defendant went to the car and shot the victim two more times, killing him.

The defendant stated that he fired the shots solely to protect himself when the victim tried to run over him with the car.

Prosecutor waived the death sentence.

1975-6 (1973)  
WOOD, JACK PETE

MURDER  
(Life)

CP (Domestic) 29686  
TELFAIR

SUMMARY: On June 16, 1973, the defendant, a truck driver, returned home from an extended trip on the road. He had slept only three hours during the previous three days and had taken stimulants to remain alert. Upon arrival home, the defendant consumed about one-half of a case of beer. After driving his family around the town, the defendant drove his wife, the victim, to a wooded area. After questioning his wife concerning her activities with another man, the defendant shot his wife with his pistol.

The defendant stated that the shooting was an accident.

Prosecutor waived the death sentence.

1975-11 (1973)  
JACKSON, RUDOLPH, A.

MURDER  
(Life)

MR

29750  
FULTON

SUMMARY: On May 2, 1973, the defendant and the victim picked up two prostitutes. The four people rode in the victim's car to a club where they hoped to purchase some beer. During this ride the defendant discussed his plan to rob the victim. The victim and one of the prostitutes knocked on the back door of the club, but no one answered. When the victim returned to his car, the defendant and the other prostitute grabbed him around the neck, began choking him, and demanded his money. The victim got his pistol from the car and left the car. The defendant followed the victim out of the car. The victim shot at the defendant. The defendant then shot the victim in the chest, killing him.

The defendant stated that he did not intend to rob the victim and that he shot the victim in self-defense with a gun the prostitute gave him after the victim fired.

Prosecutor waived the death sentence.

1975-12  
GRAHAM, ISAAC

MURDER  
(Life)

CP

29757  
TATNALL

SUMMARY: On May 25, 1973, the defendant and the victim, both inmates, were in the shower area of the cell house. The defendant stabbed the victim six times with a sharpened silverware knife. Other inmates testified that the victim had threatened the defendant after the defendant refused his homosexual advances.

The defendant stated that he killed the victim in self defense.

Prosecutor waived the death sentence.

1975-16 (1973)  
LINGERFELT, JAMES

MURDER (Life)  
Rev'd 9/2/75

29764  
FORSYTH

SUMMARY: This is a retrial of Lingerfelt 28240. Facts are summarized in Bennett 28037.

NOTE: Reversed because evidence used denied cross-examination.

1975-18 (1974)  
BROWN, THEODORE

MURDER  
(Life)

CP

29768  
CHATHAM

SUMMARY: On January 3, 1974, the defendant and his brother were in a cocktail lounge. The defendant and another patron began to argue. The defendant fired his pistol, shooting the patron in the arm and the patron's brother, the victim. The victim was fatally wounded.

The defendant stated that he did not commit the murder; rather, because the defendant was a prison escapee and already subject to imprisonment, he had agreed to take the blame for his brother who had done the actual shooting.

The judge ruled no aggravating circumstances were present & directed the jury to fix a life sentence.

1975-20 (1973) Remanded  
POSELL, HOYT  
HACKER, LARRY  
JENKINS, BILLY RICHARD  
RUFF, WAYNE

MURDER - 4 counts  
(Life - 4 terms)  
(Life - 4 terms)  
(Life - 4 terms)  
(Life - 4 terms)

29779  
C033

SUMMARY: For facts, see Creamer 28639, and Emmett 28449.

Prosecutor did not seek death sentence because it could not be sought at this time under Furman.

Note: Remanded August 8, 1975, because of newly discovered evidence.

1975-24 (1974)  
PARKS, JESSIE

MURDER & Pistol Misdemeanor (2 cts.)  
(Life) (12 mos. ea.)

29821  
FULTON

SUMMARY: On April 27, 1974, the victim was visiting a witness whom he was dating. While they were sitting on the witness's sofa, the defendant, who had "gone with" the witness several years before, entered the apartment. The witness asked the defendant to leave. As he left, the witness shut the wooden door and the screen door behind him. A few seconds later a shot came through the door, fatally wounding the victim.

The defendant stated that he did converse with the witness for several minutes, but that he did not enter her apartment. He said that as he started to leave, a man accompanying him handed him a gun which went off accidentally.



1975-25 (1974) Rev'd  
LEACH, FRANKLIN D.

MURDER  
(Life)

29828  
FULTON

SUMMARY: On September 12, 1973, the victim, a female cab driver, received a call to go to a residence where she picked up the defendant. In a written statement the defendant admitted that he drew a shotgun on the victim, demanded her money, and directed her to drive him to a secluded area. He then ordered the victim out of her cab and shot and killed her. The defendant fled the scene in the victim's cab and later abandoned the cab. The defendant testified at the trial that the written statement was coerced and was not true.

NOTE: Reversed May 20, 1975, because the jury was charged concerning felony murder without an explanation or charge concerning armed robbery, the felony during which the murder occurred.

1 975-29 (1974)  
ENGLISH, TONY CURTIS

MURDER  
(Life)

CP

29861  
FULTON

SUMMARY: On September 14, 1974, a group of people were waiting at a bus stop when the victim drove by and offered them a ride. They refused and the victim parked his car nearby. At this time the 16-year-old defendant appeared. The victim offered the defendant and the other people some beer and told them that he had plenty of money. The defendant then told the people that he intended to rob the victim. The others left the scene early the next morning, leaving the defendant and the victim behind. Several hours later, the others returned and found the victim on the ground dying. The defendant emerged from some nearby bushes admitting that he killed the man. The defendant told another witness that he had shot the victim because the victim had pulled a knife on him. The defendant later denied shooting the victim.

NOTE: The judge directed the jury to impose a life sentence. The evidence was circumstantial. The defendant was 16 years old at the time of the commission of the crime.

1975-30 (1974)  
GAITHER, BERTO LEONARD

Rev'd MURDER  
(Life)

29863  
FULTON

SUMMARY: On June 22, 1974, the defendant went to the house of his friend, the co-defendant. The two talked of getting some money as they drank beer and took pills. They then went looking for someone to rob. Upon seeing the victim walking on the sidewalk with a bag of groceries, the defendant handed the co-defendant a gun. The co-defendant approached the victim and asked him for money. During the ensuing scuffle, the codefendant shot and killed the victim.

The defendant denied that he had planned the robbery. He also stated that he did not know that the codefendant planned the robbery until the codefendant had stopped the victim.

NOTE: Reversed May 19, 1975, because the judge's charge expressed his opinion to the jury that the defendant was guilty of the crimes charged.

1975-35 (1974)  
SHY, THOMAS HENRY

MURDER & Agg. Assault  
(Life) (19 yrs.)

Domestic  
CP

29891  
FULTON

SUMMARY: On February 20, 1974, the defendant's wife, the victim, and a male friend were seated in the friend's automobile. They were talking when the defendant drove up and pulled a gun on them. After a short discussion the defendant fired some shots into the car. The defendant then took the victim's gun from her jacket and held both guns on the victim and her friend during a discussion which lasted about an hour. When the friend noticed that he had been shot, the defendant and his wife started scuffling. The defendant then fired both guns into the car, wounding the friend and killing the defendant's wife.

The defendant stated that he had only one gun which he drew and fired only in self-defense after his wife's friend fired at him and his wife.

NOTE: Counsel for the defendant requested that the judge sentence the defendant after the jury returned a verdict of guilty. It had previously been agreed that a life sentence was the only one possible.

975-37 (1974)  
ATTIE, ROBERT LEE

MURDER  
(Life)

29896  
SULTER

*CP*

SUMMARY: On November 1, 1974, the defendant went to a local club. While here he threatened to pay back the victim for an incident which had occurred several months earlier in which the victim had slashed the defendant's face with a knife. After making the threat to the manager, the defendant left the club. About one hour later, the victim entered the club. The defendant followed him in brandishing a knife. When the victim also pulled a knife, the manager of the club requested both men to leave. Once outside, the defendant got a rifle from his car. The defendant then fired at victim who was in his own car, killing him.

The defendant stated that he shot the victim in self-defense, thinking that the victim was reaching for a gun.

The judge imposed a life sentence with no discussion.

1975-39 (1974)  
LINDSEY, JAMES AUTREY

MURDER  
(Life)

29925  
COFFEE

*Domestic CP*

SUMMARY: The defendant was married to, but separated from, the victim's sister. On October 13, 1974, the defendant went to the house where the victim, the defendant's wife, the victim's brother, and the victim's mother lived. After the defendant and his wife began to argue, the other members of the family ousted the defendant from the house. The defendant went to his car and returned with a shotgun. When the family members prevented the defendant from re-entering, he fired the shotgun through the door of the house. The victim was shot and killed, and the victim's mother and brother were injured from the shotgun blast.

The defendant stated that he shot the victim in self-defense after the victim had attempted to shoot him.

The prosecutor waived the death sentence.

1975-40 (1968)  
LAVENDER ARTIS

MURDER (Life)  
Misdemeanor - Pistol (12 mos)

29931  
FULTON

*CP*

SUMMARY: On November 2, 1967, the defendant, who had been drinking, was sleeping on a couch in the tavern which the victim managed. The victim awakened the defendant who started uttering profanities and walked him to the door. A few minutes later, the defendant re-entered the bar with a pistol and started shooting. The victim attempted to run, but slipped and fell. The defendant then shot him in the head, killing him. When apprehended, the defendant inquired about the victim's condition and was told he was alive. The defendant replied, "I am sorry the son-of-a-bitch is not dead."

The defendant stated that the shooting was justifiable homicide in that the defendant believed that the victim had gotten a pistol which he kept in the back of the bar and was starting toward him.

NOTE: Defendant was granted an out-of-time appeal.

1975-41 (1975)  
HENDERSON, LEROY

Rev'd

MURDER  
(Life)

29934  
GWINNETT

*MR*

SUMMARY: On November 29, 1974, while helping the victim move into a trailer the defendant dropped some of the victim's belongings. The victim cursed the defendant, threatened to shoot him, and snapped a pistol at him. The defendant ran to his home, got a rifle, and returned to the area of the trailer. As the victim and two companions approached the defendant's location, the defendant yelled to the victim that he would shoot him. The defendant then shot and killed the victim.

The defendant stated that he shot the victim in self-defense after the victim drew his pistol. The victim's two companions did not see the victim draw his pistol, but the pistol was found near the body of the victim with two bullets, one with a firing pin indentation.

Reversed Sept. 2, 1975 on three grounds: The trial court erred in excluding testimony as to the victim's general reputation for shooting people; it erred in refusing to give a requested charge on voluntary manslaughter; it erred in placing the burden on the defendant in its charge to prove beyond a reasonable doubt that he was acting under a reasonable fear that his life was in danger.



CP

CP

CP

1975-43 (1974)  
GLASS, DORSEY LEE

MURDER  
(Life)

29947  
FULTON

SUMMARY: On July 4, 1974, the woman with whom the defendant had lived for eight years told him to leave. The next day, the defendant went to the woman's place of employment and threatened to kill her. On July 6, 1974, the defendant called her home three times threatening to kill her. That evening the victim, who was a neighbor, visited the woman and her family. The victim left to go to a nearby store. Upon her return she stated that she had seen the defendant walking up the street with a rifle wrapped in newspaper. Later the victim was shot & killed by shots coming from across the street. Several witnesses identified the defendant as the one shooting the rifle.

The defendant stated that he had become intoxicated earlier that afternoon and had spent the rest of the day and the night at some friends' house.

The prosecutor waived the death sentence.

29962 (1974)  
DAVIS, ALLEN

MURDER  
(Life)

29962  
FULTON

SUMMARY: On June 25, 1974, the defendant was caring for the victim, his two-year-old stepson. In a written statement the defendant stated that he whipped the child after the child soiled his pants, then placed him in a tub of hot water. While he was in the water, the child's head kept going under. After the defendant took the victim out of the tub he applied alcohol to the child's burned buttocks. The child then defecated again and the defendant again placed him in the tub. At this time the defendant noticed that the child was unconscious. The defendant then called for help. It was determined that the child died from drowning.

The defendant testified that the child slipped in the bathtub and that he did not realize the child was drowning.

Prosecutor waived death sentence by agreeing to have the trial judge impose sentence rather than jury.

1975-51 (1974)  
HENDERSON, AUBREY, JR.

MURDER  
(Life)

29991  
CLAYTON

SUMMARY: On March 31, 1974, the defendant's brother, David, and three other men went to the victim's home to install a starter in David's automobile. While David was working on his automobile, the victim appeared with a pistol and accidentally shot David in the shoulder. One of the other men ran to the home of David's father and yelled that David had been shot. The defendant, who was at the house and who had been drinking, went inside, got a shotgun, and went to the victim's home. The defendant confronted the victim, then shot and killed him with the shotgun.

The defendant claimed that he shot the victim in self-defense, that he did not know the victim had shot his brother accidentally, and that he did not know that the victim was unarmed when the defendant shot him.

The prosecutor waived the death sentence.

1974-45 (1974)  
STAMPER, ROBERT LANSING JR.

Rev'd  
MURDER  
(Life)

29960  
DEKALB

SUMMARY: The mother of the three-year-old victim had lived with the defendant for a year with her two children. In July 1974, the mother went to Boston with her children. On August 9, 1974, she sent the children by airplane to the defendant who paid their plane fare. On August 19, 1974, an emergency unit was called to the home of the defendant where the defendant was found giving mouth-to-mouth resuscitation to the victim. The unit took the child to the hospital where she died two days later. Medical experts testified that the child died from blows to the head with a blunt instrument, possibly a fist. Other testimony indicated that the victim was a battered child and that the defendant was intoxicated on the night of the offense.

The defendant stated that the victim was taking a bath while he was watching television. He heard a thud and found her lying unconscious in the bathtub. He denied inflicting injuries on the child.

Defendant convicted on circumstantial evidence.  
Prosecutor did not seek death sentence.

NOTE: Reversed because hearsay statements which were highly prejudicial to the defendant were erroneously admitted.

1974)  
JONES, FREDERICK EUGENE

MURDER  
(Life)

CP

40  
29994  
BIBB

SUMMARY: The victim was an employee of the defendant, a masonry contractor. After a few days on the job, the victim quit. On March 2, 1974, the victim had unsuccessfully attempted to obtain his paycheck for several days when he spotted the defendant's van in a shopping center. The victim parked beside the van and argued with the defendant for several moments. The driver of the van left the shopping center. The victim followed the van. When it stopped at an intersection, the victim got out of the car in which he was riding and approached the defendant. The men argued again. The van then turned the corner, the defendant opened the door and fired three shots, killing the victim.

The defendant testified that the victim had hit him in the face and blinded him and that he had fired the gun in self-defense.

The trial judge instructed the jury to impose a life sentence.

1975-53 (1973)  
SANDERS, DAVID LEE

MURDER  
(Life)

CP

29997  
MONROE

SUMMARY: On the morning of July 6, 1973, the 20-year-old defendant went to the 26-year-old victim's house on a dairy farm. The defendant was an employee of the victim's husband on the farm. After the victim let the defendant in, the defendant raped her, tied her hands, feet and neck, and fatally shot her.

The defendant gave a statement to the sheriff incriminating himself. Extensive circumstantial evidence was also introduced at the trial.

1975-56 (1973)  
MCCONNELL, GAYLORD

MURDER  
(Life)

CP

30014  
WALKER

SUMMARY: The female victim was last seen on December 5, 1972. Her body was found on December 9, 1972, covered with brush and vines across from the house in which the defendant lived. Death resulted from blows to the head which caused brain damage. In addition to lacerations and bruises on the body, 16 puncture wounds in the neck and 4 puncture wounds in the chest which appeared to have been inflicted with a table fork were found. Evidence indicated that the victim was seen with the defendant shortly before her final disappearance in the area in which the homicide occurred and that the murder occurred in the defendant's house. Also, the defendant had made an incriminating statement to a witness after the homicide occurred.

The evidence was circumstantial.

Death penalty was not in effect at the time of the murder.

1975-57 (1974)  
ERCH, THOMAS GEORGE, JR.

MURDER & Armed Robbery  
(Life) (4 yrs.)

CP

30017  
CHATTOOGA

SUMMARY: On May 8, 1974, the defendant and two acquaintances smoked pot in the defendant's trailer, then left to drink some beer. They went to a town where they saw the victim who joined them. The defendant drove up an abandoned road, stopped, and the four men got out of the car. The defendant hit the victim in the head with a ball peen hammer, then gave the hammer to one of the other men who hit the victim with it. The defendant then tried to cut the victim's throat, he took the victim's wallet, and he removed the \$20.00 it contained. The other man threw a rock at the by-then helpless victim and jabbed a stick into his skull.

After his arrest the defendant made a detailed confession to the murder; however, he testified at his trial that on the date of the murder he was at his trailer most of the day.

The trial judge imposed life sentence stating that it was the only possible sentence to impose.

See also 30306, WILSON

1975-65 (1974)  
SCOTT, CHARLIE JR.

MURDER  
(Life)

30078  
FULTON

SUMMARY: On October 3, 1974, the victim, a boyfriend of a boarder in the defendant's house, and the boarder were arguing. After the defendant told them not to fight in his home, the victim threatened him. The victim then went into the boarder's bedroom. The defendant went into his own room, obtained his pistol, left his room, and fatally shot the victim.

The defendant stated that he thought that the victim was reaching for a gun he had obtained in the boarder's room and that he shot him in self-defense.

The trial judge imposed the life sentence.



1975-677 (1975) Rev'd  
RINI, JAMES JOSEPH  
alias JAMES, MICHAEL JOSEPH

MURDER  
(Life)

30087  
HALL

SUMMARY: On February 1, 1975, the defendant, the manager of the apartments in which the 16-year-old victim lived, asked his roommate to go get the victim. The defendant borrowed a friend's car and he, his roommate, and the victim drove out I-85. The defendant stopped at the side of the expressway and directed the victim to get out of the car. The defendant and the victim walked down a hill to the edge of some woods where the defendant fatally shot the victim three times.

The defendant stated that he had spent the entire night of the murder in his own apartment.

The trial judge imposed the life sentence.

Reversed September 11, 1975, on two grounds: Evidence of the commission by the defendant of prejudicial criminal acts unrelated to the murder for which the defendant was being tried was erroneously admitted; and an investigator was erroneously permitted to testify that in his opinion the defendant answered his questions evasively.

New trial 30890 1976-8

1975-685 (1974)  
GARLAND, CLAUDE  
BRADSHAW, CLARENCE

MURDER  
(Life)  
(Life)

CP

30091  
RABUN

SUMMARY: On March 27, 1974, the two defendants, who were drinking at a local tavern, decided to go to the victim's trailer. At this time the defendant Garland was angry because the victim had accused him of stealing his dog. Around midnight another man was beaten by the defendant Bradshaw for refusing to with him to the victim's home. Around 3:00 AM, Garland knocked on the door of the victim's trailer. After the victim answered the door, he went out to the automobile in which Bradshaw was sitting. Bradshaw raised his shotgun to the automobile window and fatally shot the victim.

Bradshaw stated that he and Garland had not discussed going to the victim's home and that the shotgun was in his automobile because he intended to go rabbit hunting. He stated that he shot the victim in self-defense when the victim placed his own shotgun in Bradshaw's face and told him to get out of the car. Garland testified that he remained in the victim's trailer while the victim was shot.

The prosecutor waived the death penalty.

1975-69 (1975)  
REYES, GARY

MURDER  
(Life)

CP

30093  
FLOYD

SUMMARY: The defendant and the victim had lived together as common law husband and wife for five years. On August 12, 1974, the defendant and the victim had worked at the tavern which the victim owned until midnight. They left the tavern and went home in separate automobiles. On his arrival home, the defendant appeared to be angry and intoxicated and threatened to shoot out the lights of a service station across the street. About an hour later the defendant asked his wife to fix him something to eat. She agreed. The defendant then shot her several times, killing her.

The defendant never denied shooting the victim; however, he claimed that he could not remember shooting her.

The prosecutor waived the death sentence.

1975-70 (1973) Rev'd  
WARD, EDWARD JR.

MURDER - 2 cts.  
(Life - ea. ct.)

30094  
DEKALB

SUMMARY: On June 28, 1973, a general office manager and a secretary of a waterproofing company were found slain by a sword or similar weapon. The woman's body was almost decapitated; the man's body had been stabbed 11 times. Although there were no witnesses to the murders, evidence connecting the defendant to the crime was found in a nearby wooded area and in the defendant's room. In addition, the defendant had recently been fired from the company and had threatened the male victim.

The defendant denied any knowledge of the murders and stated that he had been shopping when they occurred.

REVERSED because alibi charge shifted burden of proving alibi to defendant thereby violating due process.

See Warr 31993 for Ritted with death sentence original.

1975-75 (1974) MURDER 30105  
 REVILL, FRANK SR. (Life) COLQUITT

SUMMARY: On August 19, 1974, the defendant and his wife of 25 years, the victim, had an argument. The defendant left the house and told his neighbor to give the keys to his car to his son and keep one for himself, to look after his children, and to tell his son to visit him in the jail. About 20 minutes later the defendant shot his wife 6 times, killing her. The defendant stated that he and his wife argued about her going out with other men. He said that he did not remember shooting his wife.

Prosecutor waived death sentence.

1975-77 (1974) MURDER 30111  
 LEUTNER, CHRISTOPHER EDWARD (Life) BIBB

SUMMARY: On July 25, 1974, the 17-year-old defendant went to a bowling alley and took his father's pistol with him. He intended to find out who had stolen some drugs from his home the previous night. The defendant invited the 16-year-old victim outside to smoke a joint with him. After the victim denied taking the drugs, the defendant fatally shot the victim in the head. The defendant stated that the shooting was an accident and that the hammer of the once-broken pistol had accidentally slipped.

The state waived the death penalty because of the age of the defendant.

1975-83 (1975) MURDER & Armed Robbery 30141  
 ZIRKLE, CAROLYN DALE (Life) (20 yrs.) JACKSON

SUMMARY: On November 14, 1974, the 17-year-old female defendant and a male companion planned to rob a liquor store. They abandoned this plan when they saw a revolver next to the store's cash register. The same evening they stopped at a gas station which the victim managed. While the defendant was using the station's telephone, she noticed the victim counting the day's receipts. The defendant's companion pulled a gun on the victim and demanded the money. After the victim gave up the money, the defendant took the gun from her companion and fatally shot the victim. When the defendant and her companion were apprehended, \$400.00 and a gun were found in her pocketbook.

1975-76 (1975) MURDER 30108  
 PINSON, WILLIE JAMES (Life) COMETA

SUMMARY: The victim, a frequent gambler, was last seen on November 27, 1974, when he told his father that he was going to the defendant's home to collect some money owed him. Police found the victim's automobile at the airport and the parking ticket for it in the defendant's home. At the defendant's direction, the police looked in a well on the defendant's property and found the victim's dead body. Cause of death was determined to be gunshot wounds. The defendant stated that the victim came to his house to gamble with two men whom the defendant did not know. At one point the defendant left the room where the four men were gambling and returned to see one of the men shoot the victim with the defendant's shotgun. Both of the men threatened to kill the defendant and his girl friend if he did not help them dispose of the body. The two men were never found. Conviction based on circumstantial evidence.

Trial judge imposed life sentence.

1975-84 (1974) MURDER - 2 cts. 30149  
 SHEPPARD, RICKY LEE (life sentence on each count) FULTON  
 Agg. Assault - 5 yrs.

SUMMARY: On July 28, 1974, the 19-year-old defendant drove five young boys to play baseball. After the game two of the boys got in the car, but the other three boys hopped on the trunk of the car. The defendant swerved the car until the boys fell off. The defendant told the boys to get in the car. They refused and one yelled an obscenity. The defendant, appearing to be angry, drove away, but returned at the request of one of the boys in the car. The defendant aimed the car at the three boys who were walking on the shoulder of the road, killing two of them and injuring the third. The defendant stated that the killings were the result of an accident in that the car went out of control and he blacked out.

Prosecutor waived death penalty.



1975-85 (1975)  
FOREHAND, WILLIE L.

MURDER  
(Life)

CP

46  
30152  
FULTON

SUMMARY: On October 19, 1974, the defendant, who had been drinking beer, and the victim were arguing in a bar. The defendant shot at the victim four times; as the victim fell, the defendant fired two more shots at him. The defendant denied shooting the victim and denied being at the bar at the time of the killing.

Prosecutor waived death penalty.

1975-88 (1975)  
PRESSLEY, FRANK LEE

MURDER (Life)

30166

MURDER (Life)

COBB

Armed Robbery (Life)

CP

SUMMARY: On December 19, 1974, the defendant borrowed a pistol from a friend because he and two companions planned a robbery. The defendant and one of the companions entered the victim's furniture store and warehouse where the defendant fatally shot the victim. They then took the victim's wallet containing \$140.00 and fled.

NOTE: On Sept. 23, 1975, the trial court was directed to vacate the sentence for felony murder because it is an offense included in malice murder.

1975-90 (1974)  
RAMPLEY, JOSEPH WAYNE

MURDER  
(Life)

Domestic  
CP

30189  
CHEROKEE

SUMMARY: On April 25, 1973, the defendant was at his home with his two children while his wife was working. One child was 2 years old; the other child, who was the victim, was 3 months old. When the victim would not stop crying, the defendant spanked her. He also hit her on the leg three times with his fist and fatally hit her on the head. When the defendant's wife returned home, she found the child dead. The defendant raised a defense of insanity.

Prosecutor waived death penalty.

1975-91 (1973)  
OWELL, JEROME

MURDER  
(Life)

CP

47  
30190  
BRYAN

SUMMARY: On January 27, 1973, the defendant saw his sister and her boyfriend arguing so he walked home with them. When they arrived at the house, the sister was crying and the defendant tried to get her to go inside. The victim who was the defendant's aunt, told the defendant not to make his sister go in the house. The angered defendant slapped the victim, struck her with a shotgun, then fatally shot her in the head.

The defendant stated that the gun went off accidentally when the victim snatched it.

Death penalty not in effect.

Court granted out-of-time appeal.

1975-93 (1973)  
FENNON, HUGH HILBIA III

MURDER  
(Life)

CP

30197  
CRISP

SUMMARY: On October 18, 1970, the defendant was arrested by a policeman, the victim, for selling newspapers without a permit. As the policeman was driving the defendant to the station, the defendant shot and killed him.

The defendant stated that the officer slapped him and drew his pistol and that the gun went off as the two men struggled.

Death penalty not in effect.

1975-96 (1975) Rev'd Murder & Robbery by Force  
PREBBLES, ALVIN S. (Life) (20 yrs.)

CP

30217  
TOOMBS

SUMMARY: On December 19, 1974, the 26-year-old victim was struck over the head with a claw hammer and robbed in his home of over \$100.00. Before he died of head wounds inflicted by the hammer, the victim identified the defendant as the assailant.

The defendant's defense was alibi which witnesses supported.

The trial judge imposed the sentences.

Reversed because hearsay testimony was improperly admitted and was prejudicial.

1975-100 (1974)  
JOHNSON, WALTER HENRY JR.

MURDER  
(Life)

CP

30223  
NEWTON

SUMMARY: The defendant was a medical doctor who had not practiced since 1970 because he was afflicted with narcolepsy (uncontrollable sleep). The defendant took the drug Ritalin regularly, drank large amounts of wine, and took the drug Darvon. On July 8, 1974, the defendant and his wife, the victim, requested the defendant's son to fly up from Florida. When the son arrived the same day, the defendant informed him that the victim was dead. The son found the victim dead from shotgun wounds and found his father in an incomprehensible state.

The defendant maintained that he had no memory of July 8. He raised a defense of insanity.

The trial judge imposed the life sentence.

1975-101 (1974)  
GAY, ALICE

MURDER  
(Life)

CP

30228  
FULTON

SUMMARY: On August 5, 1974, the defendant, the victim, and a third person rode in the defendant's car to a liquor store. The victim had been uttering obscenities to the defendant. The victim got out of the car and walked toward the store. The defendant took a gun out of her purse, got out of her car, and began firing at the victim. She chased him around the car, and as he fell down she fired a last shot into his back.

The defendant stated that the victim had slapped her and pulled a knife on her earlier in the evening. She said that he was holding a knife on her before he started to enter the store and that she fired the gun only in order to escape him.

Prosecutor waived the death sentence.

1975-105 (1973)  
STAPIETON, EARLY LEWIS

MURDER, 2 cts. & Agg. Assault  
(Life - 2 terms) (10 yrs.)

CP

30242  
LAURENS

SUMMARY: On December 2, 1972, the defendant, the three victims, and a fifth person had spent the evening drinking. Early the next morning they were driving to get a steak dinner. The defendant suddenly began firing his pistol, killing two of the victims and wounding the third. The defendant fled the scene, but returned after the police arrived and told them he had done the shooting.

In a taped confession by the defendant which was admitted into evidence, he claimed that he shot the victims in self-defense.

1975-107 (1974) MURDER & Concealing Death  
NUNNALLY, ALICE ELIZABETH (Life) (12 mos.)

CP

30250  
COBB

SUMMARY: On July 11, 1974, the victim, a friend of the defendant, called the defendant and requested her to pick him up at a nearby shopping center. After their arrival at the defendant's home, the victim suggested they check out a pistol which the defendant had bought to give to a friend. As the defendant and the victim walked down the basement steps to go outside the defendant had the loaded gun in her hand. The victim tried to grab the gun from her and the defendant pulled back and fired the weapon. At an earlier time, the defendant had stated that the gun had accidentally hit a support beam and fired as the victim reached for it.

Prosecutor waived death penalty.



1975-121 (1974)  
RAY, WILLIAM B.

MURDER  
(Life)

CP

3026  
GILF

SUMMARY: On July 10, 1974, the defendant and the victim, who lived together in the defendant's trailer, were arguing and drinking. The defendant beat the victim with his fists, pulled her by her hair back into the trailer, and inflicted on her fatal blows to the head and neck.

The defendant testified that he had only struck the victim once and that she died accidentally when she stumbled into the door frame, hit her head and fell to the ground.

Prosecutor waived death penalty.

1975-114 (1974)  
HARRIS, LARRY JEROME

MURDER & Armed Robbery  
(Life) (20 yrs.)

CP

30274  
MUSCOGEE

SUMMARY: On November 4, 1974, the victim, a member of the armed services, told the defendant who was a friend of his and also in the Army, that he had received \$1,000 in advance pay. The defendant shared this information with the co-defendant. That evening the defendant and the co-defendant went to the victim's apartment, where they robbed the victim of \$200, his wallet, and the box in which he kept valuable papers. The victim was then shot and killed.

The defendant testified that his co-defendant committed the murder and the robbery while the defendant was talking to the victim's wife in the laundry room.

Prosecutor waived death penalty.

1975-117 (1975)  
KESLER, ANTHONY PARKS

MURDER  
(Life)

30279  
BANKS

SUMMARY: On March 23, 1975, the defendant and the victim were having a few drinks together when they started to argue. They then separated and the victim went over to his automobile which was parked in the gas station where he worked and laid down in it. The defendant later returned to the station, opened the door of the victim's car, and woke him. The victim got out of his car, grabbed at the defendant several times, fell, got up, then put his hand in his pocket. At this point the defendant pulled out his gun and told the victim to stop; when he did not, the defendant shot and killed him. The victim was not armed.

The defendant claimed he shot the victim in self-defense, thinking the victim was reaching for a gun which he usually carried when he put his hand in his pocket.

*Shooting following drinking between defendant & victim.*

1975-124 (1975)  
ROCTOR, CHARLIE, JR.

MURDER  
(Life)

30316  
DOUGHERTY

SUMMARY: On December 25, 1974, the defendant shot and killed the victim. The victim had been arguing with the defendant's girl friend and her sister and had stabbed both of them with a butcher knife. The defendant chased the victim out of the house when he heard he had stabbed his girl friend and shot him.

The defendant testified that he shot the victim in self-defense because he thought the victim was going to cut him with the butcher knife also.

Trial judge imposed life sentence.

1975-120 (1975)  
EDWARDS, CATHERINE

MURDER  
(Life)

CP

30299  
FULTON

CP

53

SUMMARY: On February 19, 1974, the defendant went to the place of employment of her husband, the victim. The couple argued, then went outside where they continued to argue. The defendant then shot and killed the victim. The defendant stated that she shot the victim in self-defense.

Prosecutor waived the death sentence.

1975-127 (1975)  
TARPKIN, JOHNNY  
TARPKIN, ROBERT LEE

MURDER & Armed Robbery & Auto Theft  
(Life) (20 yrs.) (7 yrs.)  
(Life) (20 yrs.) (7 yrs.)

30325  
JACKSON

SUMMARY: On January 15, 1975, the defendant Johnny Tarpkin, and two other men bought bus tickets from the victim, the manager of the bus station. The three men left the bus station and talked to defendant Robert Tarpkin who then stole an automobile. Defendant Robert waited outside the station while the three other men again went inside. The victim was shot and killed, and robbed of his wallet and the money it contained by the three men.

NOTE: Conviction of armed robbery was vacated as to the defendant Robert Tarpkin, because it is a lesser included offense of murder.

Never clear who actually did killing

1975-57 (1974)  
WILSON, BILLY RAY

MURDER & Armed Robbery  
(Life) (4 yrs.)

CP

30306  
CHATTOOGA

SUMMARY: On May 8, 1974, the defendant got together with two friends at a friends trailer where they drank beer and smoked marijuana. The three young men later drove around and picked up the 18-year-old victim who was paid that day. They then went to an abandoned area where one of the men hit the victim on the head with a hammer. He then gave the hammer to the defendant who also hit the victim in the head with it. The defendant threw a large rock at the victim's head and jabbed a stick into his skull. The men also took money from the defendant.

The defendant testified that he was not with the other men when they committed the murder.

The prosecutor waived the death penalty.

See also 30017, LERCH

1975-129 (1975)  
ALBERT, EDDIE LAWRENCE

MURDER  
(Life)

CP

30339  
HENRY

SUMMARY: On January 19, 1975, the defendant received a phone call referring to the location of the victim, who had robbed the defendant the previous week. The defendant then called the two co-defendants and asked them to meet him at the location of the victim. The defendant picked up another man on his way over. The defendant and one co-defendant went to the apartment tied the victim up, took him out of the apartment, put him in the trunk of the car, and drove the car to an abandoned area. The defendant then shot the victim and dumped him into a well.

The defendant stated that he shot the victim accidentally.

Prosecutor waived death penalty.

See also 30340 and ~~31832~~ 31834



1975-130 (1975)  
PULLIN, RALPH, JR.

MURDER  
(Life)

30340  
HENRY

CP

SUMMARY: On January 19, 1975, the defendant received a phone call from a friend requesting him to meet the friend at an apartment building. The friend had found out that the victim, who had robbed him earlier that week was in the building. The defendant drove to the building. The victim was tied up by the co-defendants, taken out of the apartment, put in the trunk of a car, and driven to an abandoned area. One of the co-defendants shot the victim and dumped him into a well.

The defendant stated that he merely went to the apartment building and later followed the co-defendants;

Prosecutor waived death penalty.

See also 30339 and ~~31522~~ 31834

CP

1975-133 (1974)  
ALLANSON, WALTER THOMAS

MURDER - 2 cts  
(Life - 2 terms)

30352  
FULTON

SUMMARY: On July 3, 1974, the telephone lines leading to the house of the defendant's parents, the victims, had been cut. The defendant's father went into the basement to investigate the lines. He yelled from the basement that he had "him" cornered in the cubby hole and to get the children out of the house. He then yelled for his wife to bring a rifle. As the defendant's mother was going down the basement steps, she was shot & killed by the defendant. The defendant's father was also shot and killed by the defendant.

Prosecutor waived the death penalty at the request of the victims' families

1975-136 (1975)  
BRANNEN, CHARLES MICHAEL

MURDER - 2 cts.  
(life - 2 terms)

30365  
LOWNDES

SUMMARY: On August 22, 1974, the 14-year-old defendant and a friend shot and killed two men. The defendant shot one of the men and pushed him into the creek; then he shot the second man. When the second man tried to climb out of the water, the defendant's friend shot the man again. The defendant's defense was that he was under a delusional compulsion when he fired the fatal shots.

Trial judge imposed the sentences.

1975-139 (1974)  
PARROTT, KEITER

MURDER  
(Life)

30383  
GREENE

CP

SUMMARY: On December 2, 1973, the sister of the victim was run off the road by the defendant. When the victim heard of this he and the defendant had a fist fight at a local drive-in. The defendant later returned and started firing with a rifle at the car in which the victim sat. The victim got out of the car and grabbed the rifle from the defendant. The defendant then had a pistol in his hand which the victim's friend hit with his body. The defendant then shot and killed the victim.

The defendant stated that the victim was shot accidentally while the defendant was struggling with the victim's friend.

Almost Mutual Assault

1975-143 (1974) MURDER CP 30412 GREENE  
SMITH, GARY (Life)

SUMMARY: On June 14, 1974, the defendant went to the home of the elderly victim and bought some beer from him. He returned to the victim's home later in the day armed with a shotgun. The defendant robbed the victim of two wallets containing \$77.00, two pistols, and a shotgun, and fatally shot the victim in the chest.

1975-147 (1975) MURDER (Life) CP 30441 COLQUITT  
TURNER, RUDOLPH ALONZO Armed Robbery (Life)  
Kidnapping (20 yrs.)

SUMMARY: On August 24, 1973, the defendant and three co-conspirators went to what they thought was a storeowner's home. They awaited the owner's arrival in order to rob him of his day's receipts. While they waited they terrorized the people who were in the home who were babysitting for the storeowner's child. When the storeowner did arrive, two of the conspirators forced him and another hostage to accompany them to the home of the other storeowner to get the money box. They took the money box after an exchange of gunfire and left the hostages behind. The police were called and went to the house where the defendant and fourth conspirator were waiting. The fourth conspirator shot and killed one of the policeman.

The jury was unable to reach a verdict as to the penalty for murder so the trial court set the penalty at life.

Paraphrase Offender Ross 29083 Sentenced to death

1975-148 (1975) MURDER CP 30444 CRAWFORD  
GRAHAM, EARNEST R. (Life)

SUMMARY: The defendant and his wife, the victim, owned, operated and lived at a truck stop. On March 3, 1974, several men were playing poker in one of the back rooms. Shortly after midnight, one of the men sitting at the card table was wounded by a bullet which was fired from the adjoining kitchen. The victim, who had been sitting at the card table, rushed toward the kitchen door. As the door opened, the defendant appeared and shot at the victim with a pistol, fatally wounding her.  
The defendant raised an insanity defense.

Prosecutor waived death penalty.

1975-149 (1975) MURDER MR 30445 FULTON  
BROWN, JEANNE (Life)

SUMMARY: On February 5, 1975, the defendant and her husband, the victim, were arguing. The defendant testified that the victim stumbled toward her as she was holding a knife she was using to cut sausage. The intoxicated victim then accidentally fell on the knife. In a statement given to police shortly after the murder, the defendant stated she was going to threaten the victim with the knife, but did not intend to stab him with it.

Prosecutor waived death penalty.

1975-156 (1975) MURDER & Burglary CP Domestic 30486  
BROWN, EARL LEE (Life) (20 yrs.) 30487 GWINNETT

SUMMARY: The victim was engaged in a furniture moving operation with John Pendleton. In December, 1974, Pendleton contacted the defendant and offered to pay him to murder the victim. On December 13, 1974, the defendant used a revolver to gain entrance to the victim's apartment; he then strangled the victim with a ligature. The victim's body was later discovered in a parking garage.

The defendant denied that he killed the victim and used alibi as a defense; however, he did admit that he removed the body from the apartment to the parking garage and took a bank of pennies from the apartment.

The trial judge imposed the life sentence after the jury failed to reach a verdict as to the sentence.

Appeal dismissed for failure to file enumeration of errors.

1975-161 (1974) Rev'd MURDER 30513  
REEVES, ROBERT (Life) BALDWIN  
CARROLL, ELLA LOUISE. (Life)  
JOHNSON, WILLIE JAMES JR. (Life)

SUMMARY: The victim lived across the street from the defendant Carroll and the defendant Reeves who were brother and sister. The third defendant Johnson was the boyfriend of Carroll. On April 4, 1974, the victim was fatally stabbed while in his home. Before he died he identified a person other than the three defendants as his attacker. However, circumstantial evidence as well as statements by Carroll indicated that either Reeves or Johnson did the actual killing.

Prosecutor waived death penalty.

Reversed because: 1) Admission of the co-defendant's confession implicating the other defendants at the joint trial was prejudicial error;  
2) Admission of two written statements by defendant, one exculpatory and one inculpatory, and the exclusion of two other written statements by defendant, both exculpatory, was prejudicial error;  
3) The three defendants should have been granted separate trials.



1972-170 (1972)  
LITNES, CHARLES

MURDER  
(Life)

30514  
GREENE

SUMMARY: On August 12, 1974, the defendant entered the victim's house and shot her in the head with a pistol. He shot the victim again as she ran into her yard. The gunshot wounds in the victim's head resulted in partial paralysis and a psychosis. On December 25, 1974, the victim died from pulmonary embolus which could have been caused by problems caused by the gunshot wounds.

The defendant stated that he did not shoot the victim. On August 12, he heard a scream and went to help the victim, but a man shot at him. He said he thought the man shot at him because he owned a valuable religious scroll.

Prosecutor waived death penalty.

1975-164 (1975)  
DUPREE, LEMIE, JR.

MURDER  
(Life)

30525  
FULTON

SUMMARY: On March 6, 1975, the defendant went to the apartment of the victim, a friend of his. The defendant had been seen by three different people earlier that day with a pistol. As the sister of the victim left the apartment and got into her car, she heard a shot. She then returned to the apartment where she saw the victim lying unconscious from a gunshot wound to her head.

The defendant stated that someone whom he could not identify ran into the living room, shot the victim, then ran out.

Prosecutor waived the death penalty.

975-168 (1975)  
ESSNER, MATTHEW FREDERICK

MURDER - 2 cts.  
(Life - 2 terms)

30558  
LUSCOGEE

SUMMARY: The defendant had been married to one of the victims for ten years when they were divorced in January 1975. In the same month the defendant as admitted to a private psychiatric hospital from which he was granted a weekend pass on February 9, 1975. That day he went to the home of his former wife where he found his wife sitting on the couch with her boyfriend, the second victim. The defendant shot both his former wife and her boyfriend several times with a pistol. Both victims died from the gunshot wounds.

The defendant pled insanity at the time of the homicides; he also pled accident with regard to the killing of his former wife.

State waived death penalty.

1972-170 (1972)  
HERLONG, JAMES JR.

MURDER  
(Life)

30526  
TURNER

SUMMARY: On January 19, 1974, the victim and his girlfriend were parked in the victim's car. The defendant and the co-defendant approached the car and requested some liquor from the victim, a bootlegger. The victim drove the defendant and the co-defendant to a place behind a peanut mill. When the victim got out of the car and opened the trunk to obtain the liquor, he was fatally shot by the defendant and beaten over the head with a sharp instrument by the co-defendant.

The defendant stated that he had never left his home on the night of the murder.

Prosecutor waived death penalty.

1975-179 (1975)  
ADAMS, OTIS

MURDER  
(Life)

30631  
FULTON

SUMMARY: On November 22, 1974, the defendant arrived home and found the victim, his common law wife, drunk. As the defendant and the victim argued, the defendant fatally shot the victim in the head.

The defendant stated that the victim hit him in the head with a hammer causing him to blank out and that he accidentally shot her with the pistol when he was trying to catch himself from falling.

Prosecutor waived death penalty.

1975-183 (1972)  
RILEY, KENNETH

MURDER  
(Life)

30646  
BIBB

SUMMARY: On December 3, 1969, the victim, a bus driver, got into a disagreement over the payment of a 25¢ bus fare with the 15-year-old defendant and a codefendant. The codefendant threatened to get even with the driver. The next night the defendant, the codefendant, and a third person waited for the bus, after having agreed that the third person would shoot the bus driver. When the bus stopped, the defendant stepped onto the bus while the third person fatally shot the driver with a pistol.

The defendant gave police an incriminating statement after being arrested; however, at the trial he produced alibi witnesses and testified that he did not participate in the crime.

Trial court imposed life sentence stating that it was the only sentence possible because the defendant was 15 years old at the time of the crime.

Out-of-time appeal granted.

237 Ga 124, 226 S.E.2d 922 (1976)

1975-184 (1975)  
ESSEL, EMORY W.

MURDER  
(Life)

60  
30652  
HARRIS

SUMMARY: On November 29, 1974, the defendant and the victim, who had entered into a business transaction together, had an argument when the defendant accused the victim of taking improper profits. The victim hit the defendant on the head with a pistol, requiring 42 stitches in the defendant's head. The next day the two men drank and played cards with each other. However, that night the defendant fatally wounded the victim by shooting him with a pistol.

The defendant stated that the shooting was accidental.

The court imposed the life sentence stating it was the only possible sentence to impose.

1975-186 (1975)  
FLEMING, BRUCE ALLEN

MURDER & Armed Robbery  
(Life) (Life)

30669  
BALDWIN

SUMMARY: The defendant and his father entered into a conspiracy to rob and murder the victim, who was a crucial witness against the defendant's father in a burglary case. On January 26, 1975, the victim, his wife, and two children returned to their home where they were confronted by two armed men - the defendant and his father. The victim and his family were tied up and receipts of over \$4,000 from the family grocery store were taken by the defendant and his father. The defendant then shot the victim fatally with a pistol.

The defendant relied on an alibi defense and on misidentification of him by the victim's wife.

1975-187 (1975)  
HARRISON, JIMMY

MURDER  
(Life)

30676  
FULTON

SUMMARY: On November 18, 1974, a friend of the defendant found him in a bar and asked him to accompany him to an apartment building because he had been beaten up there. The defendant took his friend back to the apartment. The friend went in. Then the defendant saw the victim holding his gun on the defendant's two brothers and on the defendant's friend. The defendant went to his car, got a shotgun, then shot and killed the victim.

The defendant raised a defense of justifiable homicide.

Prosecutor waived death penalty.

1975-194 (1975) ALLEN  
COACHMAN, CLARENCE

MURDER  
(Life)

30726  
FULTON

SUMMARY: On May 24, 1974, the witness, who lived with the victim, accepted a ride in the car of the co-defendant, Gatlin. The defendant was also in the car. The co-defendant gave his gun to the witness. The victim later argued with the witness about riding in Gatlin's car and took Gatlin's gun from her. The defendant and the two co-defendants then went to the victim's house to retrieve the gun. At the victim's house, the co-defendant Hill shot and killed the victim.

Prosecutor waived the death penalty.

See also 30895  
30965

1975-196 (1975)  
GIBSON, ELLIS

MURDER  
(Life)

30736  
BIBB

SUMMARY: On September 19, 1974, the sixteen-year-old defendant got in a fight with another boy, the victim, and was beaten up. The defendant went home, waited awhile, then got a gun out of the trunk of the car. The defendant then found out where the victim was and waited for him to come outside. When the victim came out, the defendant fatally shot him. The defendant raised an insanity defense.

Prosecutor waived death penalty because of defendant's age.



EDWARDS, PAUL DUANE

(Life)

Domestic CP

63760  
DEKALB

SUMMARY: The defendant and his wife, the victim, had allowed the codefendant to live with them for several months. When the codefendant moved from the defendant's home, the defendant and she kept in contact. On January 30, 1975, the defendant and codefendant met in a motel room and planned the murder of the defendant's wife. The next morning the codefendant shot and killed the victim in her home while the defendant was at the bank.

The defendant denied planning the murder.

Family killing, (but planned!)

1975-206 (1974)  
CRENSFORD, CHARLESMURDER & Armed Robbery  
(Life) (Life)

CP

30774  
CHATHAM

SUMMARY: On May 5, 1973, two employees and a third man were closing a tavern. Three young men, one of whom was the defendant, suddenly came into the tavern. Armed with a pistol and a shotgun, the young men took the store receipts, personal money of the third man, and a pistol. One of the employees was shot and killed; the other employee was seriously wounded.

Prosecutor waived death penalty.

1975-208 (1975) Rev'd  
POLLARD, OLIVE D.MURDER  
(Life)30786  
POLK

SUMMARY: On December 26, 1974, the victim left the bank where he was an officer late in the evening. He was found shot and killed in his car which was found on the road right beyond his residence. The defendant, who was a neighbor of the victim, was convicted of the murder based on circumstantial evidence.

Prosecutor waived death penalty because conviction based on circumstantial evidence.

Reversed because of failure to charge on alibi when alibi was defendant's sole defense and was sustained by some evidence.

1975-199 (1975) Rev'd  
HILLE, JERRY JEROMEMURDER  
(Life)

CP

30756  
FLOYD

SUMMARY: The defendant's girlfriend had filed for divorce from her husband the victim. However, the victim was putting pressure on her to live with him again. On December 4, 1974, the defendant and the witness visited a lawyer concerning the situation. The witness then went to the victim's. The defendant bought a gun, then went to the victim's. After a short discussion, the defendant fatally shot the victim.

Judge imposed life sentence.

Reversed because court erroneously admitted evidence of defendant's prior convictions presented by the state.

1975-200 (1975)  
DAVIS, GRADY JR.MURDER  
(Life)30757  
CLARKE

SUMMARY: In August 1975, the defendant and the victim got into a fight. Several weeks later on August 26, 1975, the defendant and the victim were in a cafe-store when the victim pointed a gun at the defendant. The defendant went outside to get his shotgun which he had hidden in the bushes. The defendant returned with his gun and fatally shot the victim. The defendant stated that he shot the victim in self defense.

Prosecutor waived the death penalty because he thought there were no aggravating circumstances.

1975-214 (1974) MURDER  
 FLEET, THOMAS JEFFERSON JR. (Life)

(11) Domestic

30833  
 LAURENS

SUMMARY: On August 11, 1973, the defendant, who had been drinking heavily for two days and who had stolen a pistol the previous day, went to the home of his wife, from whom he was separated. During an argument the defendant choked his wife and fired three shots at her, killing her. The defendant stated that he shot the victim in self defense as she also had a pistol in her hand.

Family killing while on drunk spree

1975-219 (1975) MURDER  
 BAKER, BOBBY (Life)

30834  
 DOUGHERTY

SUMMARY: On June 1, 1975, the defendant was asleep in his bedroom when the victim, a friend of his, entered and awakened him. The defendant fired a shot over the victim's head, then fatally shot him in the heart. The defendant told police that he knew that the person in his room was the victim and that he fired at the victim to frighten him.

At the trial, the defendant testified that he did not know who the person in his room was and that he fired to frighten the unknown prowler.

Prosecutor waived death penalty because he thought there were no aggravating circumstances.

1975-220 (1975)  
 JACKSON, HENRY L.

MURDER  
 (Life)

30837  
 CRISP

SUMMARY: On April 19, 1975, the defendant asked the victim to purchase a drink for him. The victim refused, but the two men purchased a bottle of wine and drank it at a club. The defendant left the club, but returned later, drank a bottle of gin, then went outside. He then saw the victim and fatally shot him.

The defendant stated that he shot the victim in self defense because he knew that the victim had learned Karate.

Prosecutor waived death penalty.

1975-219 (1975) MURDER  
 BAKER, BOBBY (Life)

30834  
 DOUGHERTY

SUMMARY: On June 1, 1975, the defendant was asleep in his bedroom when the victim, a friend of his, entered and awakened him. The defendant fired a shot over the victim's head, then fatally shot him in the heart. The defendant told police that he knew that the person in his room was the victim and that he fired at the victim to frighten him.

At the trial, the defendant testified that he did not know who the person in his room was and that he fired to frighten the unknown prowler.

Prosecutor waived death penalty because he thought there were no aggravating circumstances.

1976-1 (1974) Revd. MURDER  
 CROWDER, CLAUDE THOMAS (life)

Domestic

30858\*  
 DEKALB

SUMMARY: The defendant contracted with one Berry in Columbus, Ga. who m he met through a black prostitute to kill his (the defendant's wife) for which the defendant agreed to pay \$5000. The defendant left a basement door open when he left for work. His wife was still sleeping or at least in bed. Berry came in, secured an axe and killed the victim. On the wall was written "Death to the rich bitch"

Case reversed because Berry's statement, before he died of self-inflicted gunshot wound as was admitted in evidence.



1976-8 (1975) Affd MURDER A Retrial-Original 30890  
 RINI, JAMES JOSEPH (life) trial at 30087 [1975-67] HALL  
 alias JAMES, MICHAEL JOSEPH

SUMMARY: On February 1, 1975, the defendant, the manager of the apartments in which the 16-year-old victim lived, asked his roommate to go get the victim. The defendant borrowed a friend's car and he, his roommate, and the victim drove out I-85. The defendant stopped at the side of the expressway and directed the victim to get out of the car. The defendant and the victim walked down a hill to the edge of some woods where the defendant fatally shot the victim three times. The defendant did not testify.

Trial judge imposed sentence. Life maximum set by prior trial?

1976-9 (1975) Affd MURDER CP 30895  
 HILL, ROBERT (life) FULTON  
 SUMMARY: On May 24, 1974, the witness, who lived with the victim, accepted a ride in the car of the co-defendant, Gatlin. The defendant was also in the car. The co-defendant gave his gun to the witness. The victim later argued with the witness about riding in Gatlin's car and took Gatlin's gun from her. The defendant and the two co-defendants then went to the victim's house to retrieve the gun. At the victim's house, Hill shot and killed the victim.

Prosecutor waived the death penalty.

See also 30726  
 30865

and Ethel Voyles, and his wife were in their home in Chattooga County, Ga. Ethel Brown, who had been hired to take care of an ailing Mrs. Voyles, was also in the home that evening. Mrs. Voyles was sitting in the livingroom and Mrs. Brown was working in the kitchen but was drawn into the livingroom by the commotion. Both were witnesses to the incident and testified to the following: That same evening appellant appeared at the front door. Mr. Voyles went to the screen door, asked appellant if he had been drinking and informed him that if he had he could not enter the house because of Mrs. Voyles' illness. The appellant began cutting the screen with a knife and forced himself into the house. A scuffle between appellant and Mr. Voyles ensued in which appellant attacked Voyles with a knife cutting him more than once. Both testified that Voyles tried to defend himself with an object which Mrs. Brown described as a "car jack". The scuffle led the two out of the house onto the front porch where Voyles reached for an axe lying next to the front door. Appellant wrested the axe from Voyles, knocked him to the floor, placed one foot on top of the victim and with the axe struck the fatal blow to Voyles' head. Appellant claimed he had dated Ekka Ethel Brown and on arriving at the residence he was beaten by two or three men with sticks and has no recollection of events until he was in jail. The morning after the killing he surrendered to the police. His clothes contained a large amount of blood. He had no cuts or bruises on him which he claimed to have suffered at the hands of his attackers. James Wesley Bryant - Chattooga - life

1976-15 (1975) Affd. MURDER CP 30924  
 STOVALL, DAVID W. (life) CLAYTON  
 SUMMARY: These three rising high school seniors, the Appellant and David Gillespie and Adam Sanchez arranged to have a girlfriend set up a meeting with their intended victim, Tony Doster, at the high school tennis courts. Instead they arrived at the scene in Stovall's station wagon, in which Gillespie and Sanchez were hiding behind the front seat. Stovall backed into the victim's car to stop it, then Gillespie and Sanchez rose up from their hiding place and emptied their respective pistol and rifle into the car, killing Doster. The offense occurred on July 4, 1975. They were not arrested until August 30, 1975 as a result of anonymous telephone tips to the police.

236 Ca 840 (225 S.E.2d 292) 1976

See: 30993 and 31003

1976-10 (1975) MURDER 30933  
 CLAYTON, DAVID WAYNE CLAYTON  
 SUMMARY: This case is a companion to Stovall, 30924 and Sanchez 31003  
 Facts are summarized at Stovall 30924 Blue Card 1976-15 CP

122  
MILTON  
ARY: Appellant, age 74 and married, had been going with Carrie West, victim, a widow woman, aged 60; and the evidence indicated that he had led Carrie West and was to go to her house around 9 p.m. that night.  
However, Deborah West, Carrie's daughter, had come home unexpectedly at night for the week-end, and Deborah did not know of her mother (Carrie) having any association with Appellant. Deborah West stated that on the night of April 12, 1974, she and her mother (Carrie) were in the living room watching television, and they were lying on sofas, when they heard someone knocking on the window. This was apparently Appellant coming to see Carrie.  
Deborah stated that Carrie told the someone "that they were fixing to go to bed and would he please leave" Then about ten minutes later they heard a knock at the back door; that her mother went to the back door, opened it; that she (Deborah) heard two shots; that Carrie hollered to Deborah to run; that Deborah ran to the bathroom and locked the door; and after about five minutes, Deborah called the sheriff's office.  
The incident occurred around 9 p.m. that night, about the time Appellant was supposed to come. Appellant's car was found in the ditch outside the house.  
The Appellant claimed accident while defending himself because he thought Carrie was going to hit him or hurt him.  
His gun fired fatal bullets

State Waiver Death Penalty

1976-23 Affd. MURDER Armed Rob CP 30951 BIBB  
LDRIDGE, GLEN (life) (3 yrs)  
SUMMARY: Mr. Lyell Solar was last seen alive at 9:15 p.m. the evening of Friday, Nov. 22, 1974. Friends testified that during the evening they were with the Appellant and he was financially broke and having trouble with his car. He left a group saying he was going to go get some money. He was later in possession of the victim's car and flush with cash. The victim had a week's pay on him and his ready money card had been used for about \$300. On the early hours of Saturday morning the Appellant was waving a gun around and told a girl that "Well, he told me he could blow me away like he did that guy." Dried blood was noted on the Appellant's face. On Sunday, November 24th, police officers went to Appellant's house and found the deceased's automobile. Appellant claimed that he had been picked up by the deceased and two other men known as "Bob" and "Ellis", that "Bob" had shot the deceased after an argument, had forced Appellant to get rid of the body, and had left the Nova with Appellant to dispose of. The victim, Mr. Solar's body was found about 150 yards down-river from the point where Bond's Swamp Road intersects the Ocmulgee River. The body was weighted down with a tire and wheel. While Appellant admitted being present when the murder occurred, he denied responsibility of any kind. Once to the police he blurted out that he did it because the victim tried to make a sexual attack on him.

Defendant is at fault is it offense?

1976-30-33 (1975) MURDER 30965  
TLIN, BOB (life) CP FULTON  
SUMMARY: This case is a companion case to Coachman 30726 [1976-30]  
See transcript and summary there.

1976-31 MURDER CP 30970  
GRIFFIN, JOHN PALMOR II (life) FLOYD  
SUMMARY: Mark Stephen Johnson died of gunshot wounds which produced massive hemorrhage into his abdominal cavity. The wounds were inflicted on June 12, 1975, by John Palmor Griffin after the appellant and the victim bumped into each other inside the K Mart and the defendant went outside to his automobile, obtained a gun, went back toward the store where the defendant encountered the victim. The defendant asked the victim to go behind the store and fix a fight; the victim declined. There was a scuffle. Thereupon the defendant shot the victim. The victim was not armed.

State did not seek death penalty

1976-34 MURDER CP 30986  
LIVELY; JAMES LEWIS (life) FLOYD  
SUMMARY: On March 8, 1975, at Buck's Liquor Store, Wenson Dooley was found dead with a severe cut to his throat, a six inch wound causing death. Dooley and Truman Womack were employed at the liquor store which Womack, Rodney Browning and Lewis Lively planned to rob. It was to be a theft with an inside man made to appear as a robbery. Wenson Dooley was not part of this conspiracy. Lively had a knife and said he would cut "that guy" [Dooley] Lively shaved hair on his arm with the knife to show how sharp it was. Lewis Lively and Rodney Browning carried Truman Womack to work at Buck's Liquor Store between 5:30 and 6:00. This was according to the plan, and later returned to the store. When entering the store Browning and Lively found Womack asleep. Mr. Dooley came to Browning and Lively and asked if he could help them and Lively took Dooley to the back room. Lively went to get the money and was interrupted by customers coming in. Lively tried to get the customers to leave but could not and called for Browning to leave and they left. When Browning left the back room and the store he had blood on him and a knife.

State did not ask for the death penalty



76-35

TER, LINDA

MURDER (life) 30995 WHITFIELD

SUMMARY: On Nov 2, 1974 the Appellant stabbed an acquaintance and sometime val h, Judy Nelson to death in a motel room where the victim's three ar old child was present. Ostensibly this was a grudge because the victim d allegedly stolen some money from a mutual male acquaintance.

The trial judge took the death penalty issue away from the jury because the case was based entirely on circumstantial evidence.

76-36 MURDER Robbery (life) (20 yrs) 30999 BURKE

IR, FLEMING JR.

SUMMARY: On the evening of October 23, 1973, Mrs. Frank Otis, an insurance lesman, left his home to collect his weekly premiums from his customers. s badly beaten body was found in a soybean field two days later. On the aax evening Otis disappeared, Fleming Nair, Jr. and his wife were seen opping their kitchen. Traces of blood were found on the walls, on a door r, and on several sheets in Nair's room, and several pools of blood were oted outside the back door in addition to a mark, as if something heavy had een dragged across the yard. A key, nail clippers and flashlight belonging o Otis were also found in the home. Otis' car, located several yards from his ody, had a pool of blood in it as well as a butcher knife belonging in Nair's ome that day, an extension cord to a washing machine in Nair's room and the ictim's tie and glasses. Blood stained blankets were discovered among Nair's personal effects in Augusta, where Nair and his wife had moved the day after Otis disappeared. All of the blood proved to be human by the state crime laboratory and typed as International Blood Group O.

Agg Circumstances Instructed but not found.

976-37 MURDER (life) 31004 CLAYTON

ANCHEZ, ADAM ANTHONY

SUMMARY: This case transcript at 30924- [1976-15] Case also summarized here. See also 30993.

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76-38

CKSON, JOHNNY LEE

MURDER Armd Rob (life) (life)

31008

BURKE

SUMMARY: On the morning of January 21, 1973, the body of Mr. Joseph Allen e Loach was found at the rear of the IAG Store he operated in Waynesboro, oorgia. He was dead of a gunshot wound to the chest inflicted on Jan. 20, 73.

John Williams testified that he saw Appellant about 8:00 p.m. on the evening of the murder. He was accompanied by Willie West. Appellant asked illiams if he had a gun, and Williams told him he had borrowed one.

Jackson then asked if he could borrow the weapon, and when Williams greed, sz went and got it from under the seat of Williams' car.

Later, Williams saw Jackson and Willie West leaving the cafe. They told him they were going to "get Mr. De Loach," and asked him to pick them up in about fifteen minutes. He waited for ten or fifteen minutes and then went o get his friends. When he got to the store he saw Appellant approach Mr. e Loach and speak with him for a moment. Then a shot was fired and Appellant ran. Mr. De Loach ran after him, firing two shots during the chase. Williams did not see any more of the incident. Later that evening, though, he saw Jackson and West, and picked them up. While they were all together in Williams' car, West asked Appellant why he had shot Mr. De Loach, and Jackson replied, "I don't know, man, I messed up."

Death Penalty was not in effect on the date of this offense.

1976-48

JONES, HAROLD

MURDER (life)

31084

FULTON

SUMMARY: On the day of her death, July 5, 1975, the victim rode with three friends to an apartment complex so that she could retrieve certain stereo components. Upon their arrival, the victim began carrying components from an apartment to the automobile. On the porch, the victim was confronted by the appellant carrying a pistol. An argument ensued resulting in the firing of three shots by appellant who immediately fled the scene. The victim was struck in the chest and died soon thereafter. Neither of the persons accompanying the victim saw the victim with a weapon, nor did they see the actual shooting. The thrid did see the entire incident and testified that she did not see the victim with a weapon, nor act as though she was reaching for one. Three witnesses for the defense testified that the victim threatened appellant and just before the shooting reached into her bosom as to reach for a weapon. Two of the defense witnesses admitted to never seeing the victim with a weapon. Appellant, his girl friend and her mother testified that the day prior to the incident, the victim had threatened appellant's life. Appellant further testified that as he walked out onto the porch the victim again threatened to kill him and that he fired for fear of his life when the victim reached into her bosom as to reach for a pistol. Appellant was admitted on cross examination that he did not see the victim in possession of a weapon.

State waived death penalty

6-49

MOUNT, VICTOR HUBERT

MURDER ArmdRob  
(life) (10 yrs)31110  
CHATHAM

SUMMARY: While their ship was docked in Savannah, three foreign seamen were robbed and one stabbed to death after being carried away in the assailants' automobile. The two surviving sailors were in attendance at appellant's preliminary hearing and testified through a police interpreter. The sailors testified that as they and the victim left Riley's Lounge they were approached by an automobile occupied by men they had seen earlier that night in the bar. Three men jumped out of the automobile, robbed them, forced their companion into the automobile and drove away. The sailors were unable to identify appellant from a line up, although they did later identify appellant as one of their assailants from a group of eight photographs. At the preliminary hearing, both identified appellant as one of their assailants and as the one carrying a pistol. At the trial, Robert Stephens testified that, on the night of the incident he was sitting in his automobile in the vicinity of the bar and saw three men engaged in a struggle with the three sailors. He identified appellant as one of the attackers. The manager of Riley's Lounge testified that he was working at the bar on the night in question, that he knows appellant and that appellant was in the bar around 10:00 p.m..

Offense on Nov. 9, 1974.

1976-51

Revd.

MURDER-  
(life)31115  
CHEROKEEDomestic  
CP

LITTLE, HENRY OLIVER

SUMMARY: Defendant's confession to police, given after the Miranda warning, describes the event: "I have been knowing Mary Cagle for approximately ten or twelve years. We have been staying together about seven or eight weeks, most of the time in my car. We had a fight about a week ago. This was because she was dating a Negro. We went to Buck Little's old house around 2:00 P.M. on May the 21st, 1972 . . . We drank whiskey most of the day. We started to quarrel that evening about her dating colored people. She told me that she was not going to stop seeing them. We talked about it for a while longer before I started to choke her. I used my hands and did not put anything around her neck. I was sitting under the steering wheel, she was sitting on the passenger's side. She was still getting her breath when I quit choking her, then she started gasping for breath for about two minutes before she slumped over between the front seats. I then drove over to Robert Little's house and told him what I had done and asked him to call the law."

Death penalty ineffective for an offense tried on this date.  
Reversed on instructional error on burden of proof

1976-52

HILL, Larry

MURDER Armd Rob Mtr Veh Theft  
(life) (15 yrs) (7 yrs)31128  
FULTON

SUMMARY: On Oct. 16, 1973 the Appellant and a companion (one other female remained in the car outside) robbed a Majik Market on Peachtree street and in the course of the robbery killed the manager of the market by pistol shot.

This is a companion case to Ross - 31129 [1976-53]

CP

NOTE: Jury not qualified as to death penalty and thus issue not given them

976-53

ROSS, DELORES CORNELIA

MURDER Armd Rob  
(life) (15 yrs)31129  
FULTON

CP

SUMMARY:

This is a companion case to Hill 31128 (1976-52)

NOTE: Jury not qualified as to death penalty and thus issue not given them

976-57

MURDER

31156

ILLER, EVERETT TAFT [Mistrial on Sentence Phase]

CLAYTON

SUMMARY: NO TRANSCRIPT WITH RECORD



CP

CP

CP

CP

5-59 MURDER 31179  
ERS, WILLIE JAMES (life) SCREVEN  
MARY: This murder occurred on Sept. 23, 1973. Waters had been shot by the  
tim, Arthur Bryant, Jr., ten years ago, and the two had successfully avoided  
n other until this Sunday afternoon. Waters had been gone from home since  
urday morning and the family was in need of groceries, so they flagged Bryan  
n as he passed on the highway and obtained a ride to ~~xxxx~~ the store, where  
ers saw them in Bryant's company. When Waters arrived home, Bryant was just  
king out of the driveway. Waters grabbed his shotgun and shot at him. Then  
ran up the driveway reloading the gun, and took another shot which hit  
ant in the back of ~~th~~ the head, killing him. Waters' common law wife,  
daughter and son-in-law, and three friends who were in the car with Waters  
tified against Waters at trial. Waters took the stand in his own defense  
claimed he had ~~always~~ always been afraid of Bryant and that he thought  
ant had a gun and ~~was~~ was reaching for it when he shot in self-defense.

lge ruled the only punishment for murder is life in the penitentiary.  
Statutory aggravating circumstances instructed or found.

76-64 MURDER 31203  
DSON, ROLLEANA (life) FULTON  
MARY: On Sept. 12, 1975 the appellant shot the victim, ~~another~~ female  
ice with a pistol on the porch of a duplex house. The victim was visiting  
neone in the other apartment an an argument arose over whether a named  
le had been staying there.

ATH PENALTY NOT SOUGHT

5-63 MURDER 31199  
GE, KENNETH WADE (life) CHATHAM  
MARY: Around 5:30 p.m., February 23, 1970, the nearly nude body of a man  
a fatal head injuries was found in a rural area of Chatham County. About  
weeks later the appellant's parents, who lived in Florida, called the  
al police and told them that ~~xxxx~~ their son had told them he had killed a  
. They related that their son told them he had met a man in a bar in  
annah and had several beers together, that they left the bar together, and  
le in appellant's car, the man struck him and he retaliated by hitting the  
with a tire tool several times, thus causing his death. They also  
ated that their son said the man's name was May. The Florida police  
ified the Chatham County police, who launched an investigation resulting  
appellant's arrest and conviction.

death penalty statute not in effect on date of trial [but old one had  
yet been found unconstitutional under Furman]

76-65 MURDER 31204  
BERSON, CLEMMIE ALBERT (life) BURKE  
MARY: Roberson testified that he shot the victim Hall only after Hall  
d twice shot at him, and the defense witnesses generally supported his  
ory. The murder occurred Sept. 6, ~~xxx~~ 1975. The ~~state's~~ state's  
tness, Freddie Martin, was a passenger in Hall's car at the time he was shot,  
d he testified to a wholly unprovoked killing. & ---- At approximately  
:15 p.m. on September 6, 1975, Willie Joe Hall and Freddie T. Martin  
re driving on highway 88 approximately one half mile north of Keysville,  
orgia. They saw a car, which they recognized as belonging to the Appellant,  
rted on the side of the road. Willie Joe Hall drove just past the  
pellant's car and pulled over in front of it to render assistance. The  
pellant's headlights were on and illuminated Hall's car. Willie Joe  
ll opened the car door, and was fatally shot by the Appellant as Hall  
erged from the car door.

TE: State did not seek the death penalty - ~~wanted~~ death penalty  
(No ~~agg~~ circumstances to open

1976-70  
SUTTON, WILLIE C. MURDER-2 Arson 31218  
(life-2) (10yrs) COWETA

SUMMARY: The Appellant lived in a residence which was consumed by fire on Sept. 24, 1975, soon after Appellant left for work. Firemen later discovered the bodies of appellant's two infant daughters in one of the bedrooms. Expert testimony showed the fire to have been deliberately set; the children died of suffocation prior to the fire; and appellant was the last person to leave the house immediately prior to the discovery of the fire. Further evidence showed the appellant returned to the scene of the fire shortly after the firemen arrived; appeared to be disinterested in the fate of his daughters; and lied to an investigating officer as to his reason for returning to the house. The record showed the Appellant wanted to return to life with his estranged wife and she, under oath, at first denied, then, under cross-examination by the prosecutor, affirmed she had told appellant the week before the murders that she would not consent to his being with her again as long as "that woman and those children...those children are out there." Appellant was shown to have had the means at his disposal to carry out the fire, and he made incriminating statements in the presence of a friend about one week following the arson.

Note: The State did not seek the death penalty.

1976-72 Revs to App. Chs. MURDER Agg. Aslt 31225  
ELROY, VERNON CLEVE (life) (10 yrs) HARALSON

SUMMARY: The evidence shows on Feb. 11, 1973, two police officers stopped a pickup truck in Tallapoosa, Georgia, about 1:00 a.m. upon suspicion that the driver "might be under the influence." As the officers left their vehicle, one from each side, and started forward toward the truck, the driver left the truck, closed the door, and stood there. One officer said, "We'd like to check your driver's license." The driver's right hand "came up" and he started firing a revolver. Shots were exchanged during which both officers were hit. The driver then fled on foot. One officer died the next day from his wounds. The pickup truck was stolen in Decatur the day before the shooting. The defendant admitted he was a car thief. He was a resident of Ohio but was visiting his parents in Heflin, Alabama, about thirty miles west of Tallapoosa. He was identified by a service station in Atlanta as having purchased gas for the truck about 10-1-30 p.m. the night of the shooting. The surviving police officer identified him as the driver of the truck, however, he first thought the driver was one "McClain", a psychopathic fugitive about whom he had been alerted. Three cell mates of the defendant while he was confined in Heflin, Alabama, on other charges, testified he confessed to the crimes. The defendant claimed alibi and there was supporting testimony for his claim.

\$: Ga. Death Penalty not in effect on date of this offense.

1976-73

LEE, ENNIS

MURDER

31240

CHATHAM

SUMMARY: Shortly after 9 p.m., August 18, 1973, Herbert Scott was asleep in bed while Agnes Bush, with whom he lived, was preparing dinner in the kitchen. There was a knock on the door and when she went to the door, the person identified by her as Ennis, or Bobby, Lee asked if Herbert Scott was home. She then went to the bedroom and awakened Herbert Scott and returned to the kitchen where she continued to prepare dinner. Within minutes she heard shots fired and ran to the bedroom where she discovered Ennis Lee standing over the bed with what appeared to be a pistol in his hand. At this time she ran out the back door of the house seeking help. Patricia Ann Wade, who lived in the other side of the duplex, called to Agnes Bush and asked what had happened. When told what had occurred, she went to the victim while Agnes Bush entered Patricia Ann Wade's home to call the police. When Patricia Ann Wade arrived at the scene of the shooting, the victim was still in life and in her presence and in the presence of two police officers made a dying declaration in which he identified the person who had shot him. According to Patricia Ann Wade, the victim identified his assailant as "Bobby" while according to the police officers the victim identified his assailant as "Benny" --- The defendant attempted to establish alibi and used his own testimony and the testimony of a bartender that he was away from the scene of the crime both before and after the shooting occurred.

1976-74

SUTTON, JAMES

MURDER

Armed Rob Attempt

(Life)

(10 yrs)

31263

FULTON

SUMMARY: On the evening of October 5, 1976, several people were gathered at the home of Mrs. Lil Belcher on Lindsay Street in Atlanta for a gambling game. Buster Berry, one of the participants, made one of the other players a loan against his car. He then called his girlfriend, Rudine Baugh, to come pick up the car and drive it to her mother's house. Rudine arrived about 1:30 or 2:00 a.m., and the game proceeded to break up. As the game ended and the people began to leave, one of the guests noticed some "strange folks" standing near the front porch. One man, who was wearing a trench coat and a dark stocking cap, was later identified as Appellant. Suddenly someone yelled, "robbery" and the strangers entered the house. The man identified as Sutton carried a nickel-plated shotgun. Witnesses heard one of them say "Didn't you hear me? Get back in that house. This is a stick up." Then a gun went off and Rudine said, "You done shot me." When the others reached the front door, they found Rudine lying face down in a pool of blood. It was later determined that Rudine Baugh had died as the result of a gunshot wound to the head. A few days later Atlanta police talked with a Mr. James Moore in connection with the incident. As a result of information provided by Moore, they proceeded to a house on Rice Street where they arrested Appellant and three other subjects. On October 7, a lineup was held at the Atlanta Police Department comprised of twelve black males. James Sutton was positively identified at the lineup by several people who had been present on Lindsay Street the night of the shooting.

Not the trigger man



75-78

WELL, MYRTICE

MURDER  
(life)31273  
FULTON

SUMMARY: On June 22, 1974, a Saturday, at about 4:30 in the afternoon, defendant ran out of her apartment, came up behind Mr. and Mrs. Thornton who were passing by, and, reaching around Mr. Thornton, stabbed Mrs Thornton in her heart. The defendant and her husband had known and visited the Thorntons who lived in a nearby apartment. Two neighbors who witnessed the killing saw no provocation, but one overheard defendant say after the stabbing, "I told the dirty bitch I would get her. She told me to kiss her ass." A policeman and a detective who subsequently dealt with defendant described her as remorseful and normal, except that she asserted the victim was screaming obscenities at her window and was harassing her in other ways immediately preceding the killing. One doctor testified that she suffered from schizophrenia and some brain damage at the time of his examination after the incident and that she was an alcoholic. He was unable to give an opinion as to her sanity when she stabbed the victim. Central State Hospital had declared the defendant mentally capable of standing trial. The defendant did not take the stand, but her aunt testified that she had not been "the same" since her former husband shot her in the back of her head in 1967.

State did not seek the death penalty.

1976-79

DUHART, LEON

MURDER  
(life)ArmdRob  
(20 yrs)31275  
BIBB

SUMMARY: The defendant, a nineteen year old, apparently began his evening of crime between 8 and 9 o'clock on January 13, 1975, by breaking into Curtis Ziegler's Cadillac parked in downtown Macon. His fingerprints were discovered inside, and on the outside of, the passenger door. Ziegler's .357 magnum, blue steel Smith & Wesson was missing. About 11 o'clock, as Mr. William McElroy approached his parked red Volkswagon, a man in a three-quarter length leather jacket, whom the victim later identified from photographs and in a lineup as the defendant, shoved a blue steel magnum pistol against him and demanded his car keys. Since McElroy's wife had them he could not produce the keys and the defendant shot him in the arm, and fired another shot through the windshield. Defendant then threatened Mrs. Wanda McElroy who had just arrived, telling her to get in the car or he'd shoot her also. He took her money, told her to take off her pants and shot her between the legs. He then told them to get out of the car or he'd kill them. They walked about ten feet before they collapsed. A bullet recovered from the VW most probably was fired from a .38 or .357 Smith & Wesson, according to the ballistics expert who testified at trial. No fingerprints belonging to the defendant were found on the VW.

A few minutes later, a driver for the A.Y.S. Cab Company was approached by a "wild-eyed" young male who desired to go to the Tindall Heights area of the city. After the driver requested a specific address, the rider changed his mind saying he'd get a less curious Yellow Cab driver to take him to his destination. The victim, a taxi driver A.B. Shirah, who arrived to pick up the defendant at about 11:30 was ultimately found dead of gunshot and robbed about three blocks from the defendant's home. One AGG Circum found: Life Sent.

976-83

(1974). App.

HUDSON, BILL

MURDER  
(life)31296  
EARLY

SUMMARY: On the afternoon of December 13, 1974, Appellant entered the victim's place of business to visit his ex-wife who was employed there as bookkeeper. Appellant was disturbed that the victim was taking his ex wife to Albany for a medical appointment. After some conversation, appellant and his ex-wife went into the victim's office and appellant closed the office door. Appellant threatened to kill the victim. Shots were fired. Appellant emerged from the office with a gun in his hand and left the premises. He was apprehended a few minutes later with the gun still in his possession.

State waived death penalty.

976-82 (1975) Dfdd.

MOORE, ROBERT LEE

MURDER  
(life)Agg Aslt  
(10 yrs)31289  
FULTON

SUMMARY: In the late evening hours of October 23, 1975, Appellant, and some friends were sitting around the Stop and Go neighborhood store on Richmond Street in Atlanta drinking and having a good time. Appellant asked Mary Ann Marks, with whom he had been living, to return home with him. She refused and he fired into the ground with his pistol. Charles King, a customer, stepped out the front door of the store and Moore shot him in the leg. Appellant said, "Man, I'm sorry," "I was shooting at my old lady." After Moore shot King, Minnie Lee Trice came out of the store and began yelling and cursing at Moore. He told him that her child was inside and that he could have easily shot the child. Appellant started to walk away, then changed his mind, turned around and came back. He placed the gun against Ms. Trice's head and shot once, killing her.

NOTE: State waived death penalty

TER, JERRY (life) 04 BARROW  
SUMMARY: The victim, Lamar Bentley, resided at Wade's Trailer Park, Barrow County, Ga. with his wife Kathie Bentley. Before his marriage, the victim resided with his aunt, Ann Dillard. Likewise, at the time of the murder Dec. 6, 1975., Appellant resided with Ann Dillard, who was also his aunt.  
Following a drinking party a domestic argument apparently erupted between the victim and his wife. After some time of off and on fussing the victim was told by Ann Dillard she would obtain an arrest warrant charging the victim with beating his wife. The victim stated to Ann Dillard that he was going to blow her brains out. He had no weapon. Appellant got out of the car and pushed and apparently struck the victim in the chest with his left hand. The victim backed away from the automobile and the Appellant drove away. The victim had been fatally stabbed.

NOTE: State waived death penalty

CP  
1976-90 (1975) Affd. MURDER 31318  
BURNETT, ROBERT EARL (life) POLK  
SUMMARY: Two young boys testified that they were standing near a dumpster in Cedartown, Georgia on April 20, 1975. As Appellant was emptying his garbage, Morris and another man drove by in a car. According to the boys, there were no words spoken by either of the men. Jones got out of the car and Burnett walked over to him and shot him twice. The boys testified that Burnett always wore his gun around the project, and that he had threatened to shoot several of the children's dogs. The driver of the car heard Morris say something to Burnett about keeping the gun away from his kids. Another witness said she heard Burnett say to Morris "Leave me alone" Appellant testified he was threatened by the deceased Morris.

NOTE: The state waived the death penalty.

1976-107 (1975) Affd. MURDER 31398  
TUCKER, ANITA JEAN (life) Armed Rob(4) 1-1 yr 3-20 year each GWIRNETT  
SUMMARY: Anita Jean Tucker was jointly indicted along with Michael Davis and Sammy Kennett for murder and four counts of armed robbery but she was tried separately. The offense occurred on Oct. 9, 1975. The Appellant had been trying to arrange a meeting with the victim through a friend for the purpose of buying cocaine. The money was not forthcoming and these efforts were abandoned. Her co-indictees overheard appellant and had her take them to the victim's apartment so that one of them could get a "fix." Only Davis went in and while in the apartment, he noticed large sums of money lying around. After he obtained the "fix", the plot to rob the victim began to hatch. Guns were obtained and appellant drove Davis and Kennett in her car back to the victim's apartment at about 4 a.m., dropped them off and went to a nearby Caffle House Restaurant to wait. Davis and Kennett forced their way into the victim's apartment, robbed and killed him and also robbed three other occupants of the apartment. Davis and Kennett then went to the restaurant and departed the scene in Appellant's car.

NOTE: STATE WAIVED DEATH PENALTY

CP  
1976-108 (1975) Affd. MURDER 31407  
GOLDEN AKA/BOLTON, Charles L. (life) NEWTON  
SUMMARY: The Appellant with William Turner were partners in a check fraud scheme. They moved to Monroe, Ga. and leased the "Upper Room" Elks Club in Monroe with the agreement that as part of the arrangement Joe Graves, who was managing the club, would be allowed to remain as manager under Appellant's lease. Graves had invested in fixtures in the club and after much disagreement the two partners agreed to pay him \$1600.00 for everything. Bolden talked of "getting rid" of Graves. They never paid Graves. On Friday night Feb. 7, 1975 the club did not have enough money to pay the band. Graves agreed to go get the money. He subsequently met the others at Appellant's house in Social Circle, Ga. Appellant, Graves, and Turner left the house in Graves' car around 4 o'clock a.m. supposedly to distribute some bootleg liquor. Graves was driving the car. Appellant told Turner, "Pal, you ride up front," so Turner sat in the front seat with Graves, and Appellant got in the back seat. Approximately a quarter of a mile from the house Appellant shot Graves in the head several times with a silver, nickel-plated .32 pistol. on Feb. 8, 1975.

NOTE: STATE ABANDONED REQUEST FOR DEATH PENALTY (because of the difficulty the jury had with the verdict.) [time]



1975-110 (1975) Affd. MURDER 31418  
PRES, CARL DAVID (life) DEKALB  
SUMMARY: Carl Tukes and a companion, Ricky Burdette, on March 25, 1975, entered a U.S. Service Station on Candler Road in DeKalb County, Georgia, about 10:15 p.m. and demanded money from Ms. Doris Rousey, an employee. She screamed and fell to the floor. James Whitten, an attendant, appeared at a rear door of the station with a handgun and Tukes shot several times, killing Whitten with a bullet in the face. The robbers fled, taking no money. Tukes met Byron Henderson on a bus about an hour later; made several incriminating statements to him and offered to sell him a pistol he was carrying. The next morning, Tukes admitted to Henderson he had killed Whitten. Henderson, an informant for the police, told them this information and that Tukes had told him if he wanted to buy the pistol, it would be at his residence or that of Ricky Burdette's. A warrant was issued upon probable cause for a search of the two houses. The gun and two articles of clothing set forth in the warrant were found in Tukes' house. During trial, Tukes was positively identified by Ms. Rousey as the robber who accosted her and killed Whitten. Henderson testified for the State.

NOTE: THE STATE WAIVED THE DEATH PENALTY

1976-111 (1975) Affd. MURDER 31427  
BROWN, PAUL EUGENE (life) BARTOW  
SUMMARY: On the morning of Sunday, Sept. 7, 1975, the body of Charles Wesley Brown was discovered in his home. The cause of death was determined by the County Medical Examiner to be a gunshot wound and the time of death was fixed as occurring between the hours of 5:00 - 9:00 p.m., on Saturday, Sept. 6, 1975. The Appellant, Paul Eugene Brown, a son of the decedent who lived with his father was arrested approximately 1:05 p.m., Sunday, September 7, 1975 while in an intoxicated condition. At the time of his arrest the Appellant stated to the arresting officers that on the preceding afternoon he had been at home drinking and watching television and that his father, upon returning home had ordered him to leave home because of his drinking; a struggle ensued over a telephone, and subsequently, when the decedent brought his shotgun into the room appellant and decedent struggled over the shotgun, and after appellant had secured control of the shotgun it discharged. According to this testimony the Appellant left the scene, returned and ~~had~~ determined his father to be dead; he attempted to wipe the shot gun clean and left the scene again. He was arrested on Sunday afternoon in the vicinity of the home occupied by appellant and his father.

NOTE: State did not seek the death penalty.

1975-115 (1975) Affd. MURDER Burglary 31434  
HENDERSON, OTIS & Dennis L. Brooks (life) (15 yrs) MUSCOGEE  
SUMMARY: On Friday, Feb. 21, 1975, the victim was found dead in her home. She was lying by a chair on the floor in the room where she normally sits. Her mother's body had a pillow case over its head with a stocking tied around the base of the pillow case; its arms were tied behind its back with stockings. A gun was missing from the home. Death was caused by cardiac failure due to hemorrhage and infraction of the right atrium or the right auricle region of the SA node pacemaker. She had a bruise on the left side of the head near the temporal region and multiple abrasions. Ligature marks or circular depressions were observed on the right forearm and left wrist of the body. A medical witness, the medical examiner concluded that the beating of the victim was the direct cause of the victim's heart failure. Brooks' statement was as follows: He, Appellant, and a man known as Dirty Red entered the victim's home for the purpose of stealing. Dirty Red tipped up behind the woman and held her while he (Brooks) brought some stockings and a pillow case to tie the woman. Then he and Appellant searched through the house for something to steal. After leaving the house, Appellant gave Brooks a dollar in change which he had taken from a drawer in the victim's house. In his statement, Appellant admitted burglarizing Ms. Lewis' house. He also admitted that the burglary occurred at the same time that Ms. Lewis was tied up.

There was

State did not seek death penalty

1976-117 (1975) Affd. MURDER Agg. Aslt. 31457  
LEE, JOHN DAVIS (life) (10 yrs) RICHMOND  
SUMMARY: The State presented evidence to show that on June 21, 1975, the Appellant became embroiled in an argument over \$2.00 at the 2160 Club in Richmond County, Georgia; was pushed around and left with his cousin to go to his aunt's house and obtain a .38 caliber pistol. He returned to "straighten things out. . ." He renewed his argument with Brown and when Hudson pushed Appellant toward the door in an effort to break things up, the appellant seized the pistol from his cousin and shot Hudson. Appellant followed Hudson as he crawled toward a nearby restroom and there shot Laverne Thomas, emerging from the restroom, in the shoulder. Appellant fled-----In narrating what happened, the appellant testified, " . . . That's when I turned around, you know, and saw Elbert coming after me. So, I snatched the gun from Kang Hunt and turned around and shot him..." Appellant pleaded self-defense.

THE STATE WAIVED THE DEATH PENALTY

976-118 (1976) Affd. MURDER Armd Rob 31462  
SENIOR, TOMMIE LEE (life) (life) MUSCOGEE  
SUMMARY: Fred M. Daugherty, the victim, was employed at the Linwood Bottle Shop, 718 Linwood Boulevard, Columbus, Georgia. The Bottle Shop was owned by R. Thadd Mulkey. Appellant, a part-time employee at the Bottle Shop had been fired approximately three weeks before the murder because the owner believed that he was pilfering the cash register. Appellant's experience as a part-time employee, provided him with the knowledge of where the money and weapons were kept in the store. The victim was killed by two wounds caused by shotgun blasts. After his arrest and appropriate warnings, the Appellant informed the officers that he went to the Bottle Shop in order to speak with Mr. Mulkey regarding his tax forms. Mrs. Mulkey was not present and the victim informed Appellant that he should leave the premises. An altercation ensued at which time the Appellant, knowing the location of the weapons kept in the store, obtained the shotgun and fired in the victim's direction. He was not sure whether or not the shotgun blasts struck the victim so he removed the money from the cash register in order to create the appearance of a robbery.

STATE DID NOT SEEK THE DEATH PENALTY

976-119 (1975) Revd (Jury Makeup) MURDER 31471  
SANDERS, ROSA MAE (life) WARE  
SUMMARY: The victim appeared to be the common law wife husband of the appellant. There was evidence the appellant believed the victim was running around on her. There was testimony from two witnesses that they heard a screen door on the front of a house slam open and a gun fire. They looked and saw the victim falling to the ground. Appellant was observed coming down the steps of the house trying to recock a rifle. She told one of the witnesses, "I told Mitch Lee [the victim] if I ever caught him . . . over her, I'm going to kill him." Upon the arrest of appellant and a waiver of her Miranda rights she stated, "I don't know why I shot him. I just did."

State did not seek the death penalty

976-121 (1971) Affd. MURDER 31489  
PIERCE, WILLIAM J. JR. (life) Jeff Davis  
SUMMARY: On January 22, 1971, Sheriff Marcus Hall of Jeff Davis County received a phone call from Homer Wilcox reporting that his wife, Helen, was missing from their country grocery store. The sheriff himself had visited her in the store only an hour earlier, but a search of the immediate area failed to reveal any evidence of her whereabouts. Search parties were formed to comb the area on the following two Saturdays, but no clues were found. Attention was focused on the defendant, under arrest in another county, and after proper warnings and interrogation he told Sheriff Hall he wanted to show him where the body could be found, and that he had killed her by shooting her. After about an hour and a half search, the group did locate her body, and the defendant was driven back to Swainsboro. The Appellant subsequently narrated the course of events leading to the strangulation, rather than shooting, of Helen Wilcox arising from her resistance to leaving the grocery store with him after he robbed the store with a gun. In a final interview a month later he told the sheriff where to find the victim's pocketbook and a Calvert bottle. The sheriff located these items as described by the defendant.

Note: Current death penalty not in effect at time of offense or trial.

976-126 (1974) Affd. MURDER 31500  
STAYMATE, CHERYL ELIZABETH. (life) BIBB  
SUMMARY: The victim "Jamie" Staymate, age 23 months died on April 17, 1974 of head, chest and abdominal injuries which were all traumatic in nature. In short, the child's death was attributed to his receiving multiple injuries. This was a battered child syndrome death.

Domestic

State sought death penalty - hung jury - judge imposed life sentence.



WHITE, EDNA (Evid Insaff) (life) O'ALDWIN  
SUMMARY: On Dec 24, 1975 the devendant passed a male fetus from her body  
comrade at GCIW in Baldwin County Ga. The evid. supported the state's  
intention that the appellant was the mother of the newly born child found  
dead in the prison bathroom; the evidence was insufficient, however, to  
show that the infant ever achieved an independent and separate existence from  
its mother.

State did not seek the death penalty.

1976-138 (1975) Affd.

TUCKER, CHARLES FRANK

MURDER  
(life)

31524

FULTON

SUMMARY: About 12:02 a.m. on January 4, 1975 Mrs. Tucker the victim left her  
job in the presence of two co-workers and got into a car identified by one as  
that of her (the victim's) husband. About 15 minutes later, the victim  
was found dying, by Officer R.E. Davidson of the Atlanta Police Dept. When  
Officer Davidson arrived at the crime scene, he was met by Appellant who state  
fairly calmly, "Officer I shot my wife. I think she is dead." Appellant gave  
the officer a .38 caliber pistol from one of his front pockets. Appellant was  
not in custody at this time. The victim was found to have sustained  
several injuries. Her body was in a crouched position some four or five feet  
from her purse, which contained a pistol. Two holes were observed in  
the wall behind the victim's head. It was also observed that the victim was  
shot once in the throat and once in the upper left side of the head. There  
also appeared to be a laceration to the upper right side of the victim's head.

Appellant told the jury that he had killed his wife while he was  
frightened. He stated that after he and his wife returned to their residence,  
they discussed their domestic problems. He claimed that he then told the  
victim, "If you don't come back, I'm going to get me a roommate." The victim  
allegedly responded, "Guess I'll have to kill you." Appellant claimed that  
he then went upstairs and as he came back down, he saw the victim getting up  
from the couch on which she sat with a gun and stating, "You don't think I'll  
kill you, do you?" Appellant stated that he then became frightened and  
fired his revolver.

NOTE: This was a family killing - the state did not seek death penalty

976-141 (1977)

Affd.

MURDER  
(life)

31530

RICHMOND

SUMMARY: The Appellant was charged with the murder of David Dunn on the night  
of December 26, 1974. Evidence produced at the trial showed that the appellant  
and an accomplice, Taylor, drove with the victim to a deserted area of  
Richmond County, and there the appellant levelled a sawed-off shotgun at Dunn  
and fired at point-blank range killing him. An autopsy performed on the body  
of the victim revealed that probable cause of the death was three shotgun  
wounds. The body of the victim was discovered at 11:15 p.m. on the same  
evening by two patrolling deputies of the Richmond County Sheriff's Dept.  
The officers discovered Dunn's body lying on the ground near his deserted car.  
One of the officers testified that there were two sets of footprints, one of  
which led up to the body. There was a large amount of blood in the car and  
on the ground. After an interview with the victim's wife, the officers  
learned that Dunn was last seen leaving the house with the appellant and Taylor  
earlier in the evening. The officers went to Taylor's house and then to the  
appellant's who lived next door. Appellant's car was parked outside under a  
street light. Looking into the car, the officer was able to see the breach of  
a shotgun, a .38 caliber pistol, and a pair of black gloves. The officers went  
into the appellant's house to talk with him and ask his permission to look into  
the car. With his permission they opened it with a coathanger. As they were  
going outside to open the car an officer saw a tennis shoe with a stain that  
appeared to be blood. They arrested the appellant. Another testified they  
had been hired to kill Dunn. Dunn's widow denies she made any agreement with  
them to kill her husband. Appellant testified he was there but Taylor, one  
of his companions shot Dunn because of a misunderstanding between the two men.

1976-142 (1976)

Affd.

MURDER  
(life)

31590

STEPHENS

SUMMARY: The victim's daughter testified that on the night of the slaying she  
overheard a telephone call in which the appellant requested an urgent meeting  
with the victim (his uncle). The victim agreed to meet the defendant at  
8:15 p.m. "or a little after" a shooting was witnessed in a parking lot at  
Turnsey's store. The witness observed two cars. A white or light colored  
compact was parked three or four feet in front of a station wagon. He saw a  
man run toward the rear of the station wagon, and a shot rang out. The  
running man gasped, and fell at the rear wheel of the station wagon and began  
attempting to crawl under the car. The assailant approached the victim and  
fired at least one more shot. The assailant fled in the compact car. There  
was evidence that appellant drove a white compact car. That evening, appellant left a seven millimeter bolt-action  
mauser rifle with his brother-in-law. A seven millimeter cartridge case was  
found at the scene of the crime. Expert testimony established that the  
cartridge was fired by the rifle. The bullet taken from the victim's  
body was fired by a seven millimeter bolt-action mauser rifle, but  
because of the condition of the rifle barrel, it was not possible to establish  
whether or not the bullet was fired by the particular rifle in question.

143 (1976) Revd. MURDER Att. Armd. Rob. CP 31593  
 JOHNSON, J. WAYNE (life) (10 yrs) NENTON

SUMMARY: The incident which led to the charges began on Feb. 7, 1975. J. Wayne Johnson ~~has~~ had lived for years near Harmon H. Nolen's store. Nolen lived alone in a house nearby, and was reported to keep large amounts of cash on his person and at his home. He was seventy-nine when he died. On the evening of February 7, 1975, Johnson attempted to recruit Terry Harper to assist him and ~~Timothy~~ Timothy Hall in robbing Nolen. Appellant had mentioned this subject some weeks before, but had not brought it up again until that night. Harper refused to go. Johnson had been firm that he could not go in the Nolen premises, presumably because Nolen would recognize him. The next day, which was February 8, Johnson told both Harpers (who had heard of the beating of Nolen occurring the night before) that he had let Timmy Hall and Terry Day out at Nolen's house to ~~rob~~ rob him, while he drove around, and then picked them up. They failed to get any money. Nolen was badly beaten and died from complications from his injuries on February 23. The Harpers did not relate their information for nearly a year. After the ~~Harpers~~ Harpers' information implicating Johnson, Day and Hall was received, investigators talked to and obtained a statement from Hall concerning the instant offenses. Hall was then in Reidsville pursuant to his conviction for an intervening offense.

Case reversed because Appellant ~~made~~ statement to officers and details of negotiations for a plea of guilty went before the jury + confession based on offer of substantial reward on 20 ynsist.

1976-144 (1976) Affd. MURDER CP (Domestic) 31595  
 RICHARDSON, JERRY (life) STEWART

SUMMARY: The victim Calvin Greene, resided on Greengrove Road in Stewart County, with his wife Thelma Greene and their nine children. The Appellant, Jerry Richardson, and Mary Richardson Young, are children of Thelma Greene by a former marriage. These two step children of the victim, resided in Columbus, Georgia. Subsequent to a domestic quarrel on the evening of November 24, 1975, Calvin Greene put his wife out of the house, and would not permit her to return. Thelma Greene called her children, living in Columbus, to come down to Stewart County and get her. Between 10 and 11 o'clock p.m., Mary Richardson Young and the Appellant arrived at their mother's house and found her waiting outside in a car. After talking briefly with their mother, the Appellant and his sister went into the house, where a conversation ensued between the Appellant, his sister and the victim, Calvin Greene. The Appellant asked Mr. Greene's permission to take his mother back to Columbus and discussed getting a divorce. Mr. Greene stated that he did not care and that there was no divorce to get. An argument ensued with the victim attempting to hit Priscille Green and culminated in the Appellant firing seven shots from a 25 caliber pistol at the victim, five of which hit him.

Domestic fight

144 (1977) Affd. MURDER (2) Domestic 31624  
 BURGER, BOBBY GENE (life)(2) FARMER

SUMMARY: It is undisputed the Appellant gunned down his wife, Sandra Burger, and an acquaintance, Carl Brooks. Appellant, a part-time painter and weekend evangelist, was married to Sandra Burger; and they had three children ages 6, 4, and 3. He began to suspect his wife was having an affair. He discovered she was not at the dentist's where she claimed she would be, and Appellant ~~checked~~ checked the mileage on her car in an attempt to determine where his wife went. On October 4, 1975, Mrs. Burger had rented an apartment from Charles Humphrey, and in the afternoons Charles and Mary Humphrey had seen both Mrs. Burger and Mr. Brooks at the apartment in McCaysville. On the morning of October 25, 1975, Appellant related his suspicions to his friend, Reverend Walter J. Spurling. He told Rev. Spurling that if Appellant caught his wife in the act of adultery, he would kill her. Appellant also stated that he would have the "privilege" to kill his wife and her lover. At approximately 2:30 a.m. Appellant went to the home of Robert "Oscar" Cross, who lived one-half mile away. Mr. Cross owed Appellant some money and to pay off the debt, Cross gave Appellant an unloaded .22-caliber pistol. Later that same morning Appellant's daughter told him that her mother took the children to a "little brown house," where Mrs. Burger went in alone. He asked his daughter if she could find the house, and when she replied yes, Appellant put the children in the car and went looking for the house. After his daughter pointed out the apartment, Appellant knocked on the door and then went in. He saw his wife and Brooks and although they begged Appellant not to shoot, he began firing. He killed both of them.

1976-148 (1977) Affd. MURDER 31632  
 SMITH, BRIAN ERIC (life) FULTON

SUMMARY: The appellant was seventeen years of age at the time of the homicide. He and several other persons were at the apartment of David Stephens. Paul Eugene Baker and his brother, Barney Roy Baker, drove into the parking area of the apartment about midnight, expecting to attend a party there. Stephens, whose apartment was on the second floor, came out his kitchen door and asked who it was, and when Barney Baker gave his name, Stephens said, "That's all right." The shot which killed Paul Eugene Baker was fired by appellant just as Stephens finished speaking. The only witness for the State who was in Stephens' apartment when the homicide occurred was James Parrott. He was 17 years of age. He testified that: He had been at the apartment for several hours prior to the homicide, and had seen three guns in the apartment. A rifle was lying on a sofa. When a car was driven up to the apartment area, Stephens went to the kitchen and the witness followed him. He saw the appellant pick up the gun from the sofa. When he heard a shot fired he looked in the living room and saw the appellant sitting in a chair in front of the window with the gun in his hand. The appellant said "I shot him." Appellant claimed accident. The offense occurred on Sept 21, 1975.



976-151 (1977) Affd. MURDER 3164  
WILLIAMS, WILLIE JAMES (life) BALDW  
SUMMARY: The body of 74 year old Mrs. Frances Herrin was found on the back porch of her home on April 14, 1973, about 7:30 p.m. She had been strangled to death. A few days later police learned that two diamond rings and a wedding band had been pawned by some boys. The pawn ticket bore the name of John Williams, older brother of the defendant. The police went to the Williams' home and asked and received permission from the parents to talk with the boys and search the house. They took the boys to the pawn shop where they picked up the rings and then to the police station for questioning. John Williams was interrogated first. He made a statement connecting the defendant with the rings. At this point the defendant, who was 14 years old, and his parents were informed of his rights and the nature of the possible charges against him. Both the defendant and his parents signed a waiver of counsel. The defendant then confessed to the crime in the presence of his parents and law enforcement officers. The next day the police took the defendant to Mrs. Herrin's house and he showed them how he had entered, the bureau where he got the rings, and where Mrs. Herrin was when he strangled her.

Court said couldn't impose death and down age 18

976-1955 (1977) Affd. MURDER 3167  
MITCHELL, RUBY (life) CLARK  
SUMMARY: On March 4, 1976, at about 8 p.m., police officers responded to a radio call regarding a shooting at Cunningham's Cafe. A man who had been shot was found lying dead on the floor; he was identified as Wesley Mitchell, the appellant's husband. At 11 p.m. that evening, Officer Ingram received a phone call from Appellant asking him to come get her. Upon his arrival, Ingram was told by Appellant that she "didn't want to do it" but she "had to." Ingram testified that she handed him her purse which contained a loaded .32 pistol. Ingram removed the cartridges and took Appellant to the police station. The murder was a culmination of long standing domestic differences often punctuated with mutual shootings and cuttings of one another. On this occasion the dispute apparently revolved around the victim's opposition to Appellant's plan to move to Atlanta.

Both Appellant and the victim worked at the Cafe.

State did not seek the death penalty.

976-154 (1977) Revd. MURDER 31672  
EDDISH, DONALD LEE (life) WAYNE  
SUMMARY: Jewrice Roberson was found dead of a gunshot wound to the head in his retail store in Wayne County, Georgia on December 3, 1974. Appellant was subsequently arrested for the killing pursuant to a warrant issued on Dec. 10, 1974. On Jan. 10, 1975, he made a taped statement accusing co-def. Barham, stating that he had been with Barham immediately prior to the killing, that he knew Barham intended to kill Roberson, that he tried to talk Barham out of it, that he left town with Barham after the latter returned from Roberson's store, and that he accepted part of the money which Barham brought back from Roberson's store. Appellant denied any involvement in the planning of the crime or any participation therein. Barham was taken into custody and made a taped confession the following day. He stated that he and appellant had entered the store with the express intention of killing Roberson, that appellant had done the actual shooting, that they had been then removed approximately \$600 from the victim's cash register, and that he and appellant had spent the remainder of the day and night together engaged in various pursuits. The two defendants were then brought together, and the tape recordings of their statements were played to them. Barham then repeated his accusation that both he and appellant had gone into the store and that the appellant had shot Roberson. According to the investigation, Sheriff the appellant admitted that he had in fact done the shooting.

Both Sent to life

976-157 (1976) Affd. MURDER 31681  
EVERETT, JAMES REGINALD (life) Armed Rob MUSCOGE  
SUMMARY: (20 yrs)

SEE SUMMARY AT Harris 30274

1976-158 (1977) Affd. MURDER 31683  
 KING, EDWARD JAMES AKA KING, PETE (life) MONROE

SUMMARY: On Oct. 12, 1975, the day before the homicide Dorothy Reen Jackson the woman with whom the deceased lived testified that: There was a dispute between the appellant, his brother, and the deceased Billy Joe Jackson. The Appellant came into the home of the witness and the deceased, stating, "I come in just like I said I would. I said I'd come in and I did. Since I'm in, I'll walk down in the kitchen and walk back out." The witness told the appellant, "I asked you just only one time to get out of my house." and he made one step toward the kitchen, whereupon she shot down between his legs. The appellant kept standing there, just looking at her, and she tried to shoot again but her gun would not shoot. The deceased then pulled out his gun and shot behind the appellant, and the appellant went out. She heard the appellant outside saying, "I'll go back in there, I'll go back in there." She saw the appellant the next evening, about 8:00 p.m., standing outside the door with a gun. She heard the deceased tell him, "Go ahead one, now, Pete." The Appellant replied, "No, I told you I was going to get you." She looked down and saw that the appellant had a gun. He was standing on the porch outside the door. The deceased reached out to "get the door" and the appellant threw up his gun and shot the deceased.

1976-160 (1977) Affd as to Murder MURDER Crim Attempt-ArmRob 31693  
 FARLEY, Michael [alias Dog Farley] (life) (10 years) MUSEOGH

SUMMARY: This case involved a shotgun killing of a filling station attendant during an attempted holdup of a filling station. The evidence showed that the defendant was a party to the attempted armed robbery but was not the actual perpetrator of the murder.

1976-163 (1976) Affd. MURDER (life) CP 31701L  
 BRADBERRY, LEONARD [alias Leonard Bradberry]

SUMMARY: On October 31, 1974, at the Sand Hill Bar, Sergeant Reese Lane is asked by Theodore R. Jackson for a ride home because his clothes were muddy and dirty. Sergeant Lane had known Jackson when Jackson had been in the Army. After arriving at Jackson's apartment, they had a few minutes of conversation in the car, according to Lane's testimony. As Jackson opened the rear car door to leave, an arm came through the window or door, pulled the door open, and Lane saw a flash and heard a shot. Lane stated that Jackson fell out of the car. Lane got out and lay down by the side of the car. Lane testified that he heard someone running away and, looking under the car, he saw a figure running between some apartment complexes. According to Lane, the arm reaching in the car had been that of a black man. Jackson was bleeding from the head and police were called. A passerby, Carrie Phillips, testified that in the early morning hours of November 1, 1974, she saw a car pull up beside an apartment building, then a man opened the car door on the passenger side and shot into it. Ms. Phillips stated that the man who had shot then ran away; she noticed he wore dark pants. Jackson died of two gunshot wounds in the head, either of which could have caused death. Earlier in the evening Appellant was the victim was seen to hit the appellant. Later she Appellant, with blood on him asked Lane to drive him home. He left the bar followed by Appellant and someone else. Appellant was dressed in a flowered shirt and dark trousers. Appellant was arrested under warrant on November 1, 1974. Appellant told officers "I done it" He indicated his bruised face and swollen lip. He said he had thrown the gun off the 14th street bridge. Appellant left down before trial. Denies guilt.

1976-161 (1977) Affd. for MURDER (2) ArmRob (2) Burg. (2) 31694  
 REED, CHARLES DAVIS (life)(2) (life)(2) (20 Yr)(2) JEFFERSON

SUMMARY: This is a companion case to Birt and Gaddis (death cases) See summaries there.

13: Not true as closely as others



1976-165 (1977) Affd. MURDER  
BRILEY, NATHANIEL WAYNE (life)

31731  
CLAYTON

SUMMARY: The Appellant was charged with felony murder in the death of Charles Bohannon, Jr., a two year old child on Aug 23, 1975. The indictment alleged that appellant, while in the commission of a felony, i.e., cruelty to children caused the death of the infant by beating him with his hands. The jury found him guilty as charged and also found that the murder was "outrageously and wantonly vile". The cause of death was determined to be due to "blunt force head trauma." The medical examiner testified that death could have resulted from either (or both) of two head injuries, one located on the top of the head, and the other on the side. The mother of the child testified that appellant struck the child in the head with his fist three days before the death of the child. The medical examiner estimated that the blows to the head, which caused the death of the child, occurred approximately 72 hours before death. There was also uncontradicted evidence before the jury that the child fell and struck his head on an automobile bumper around the time frame within which the fatal blows were struck. The only testimony which links the appellant with the head injuries suffered by the child was that of the mother. The mother admitted that prior to the trial she had made several statements to police and neighbors to the effect that the bruises which the child had were due to falls.

N.B. Jury found stat. agg circumstances but did not impose death penalty.

1976-166 Affd. MURDER  
LINGERFELT, JAMES (life)

31733  
FORSY

SUMMARY: This is the third trial of the defendant James Lingerfelt for the murders of William Cantrell and Larry Lee Mulkey.

See Prior Summaries at Lingerfelt v. State, 231 Ga. 354  
(201 SE2d 445)(1973) # 28240 &  
Lingerfelt v. State, 235 Ga. 139  
(218 SE2d 752)(1975) # 29764

976-168 Affd. MURDER  
ROWN, FRANK EDWARD (life)

31754  
CHATRAM

SUMMARY: On Jan. 17, 1976, appellant and the victim, both of whom had been drinking, were engaged in a knife-fight that resulted in the victim being stabbed in the heart. He died shortly thereafter from the wound. The appellant contended at the trial that he was defending himself, that he took the knife from the victim, and though he cut him, he did not intend to kill the victim.

1976-170 Affd. MURDER  
CROMER, CHARLES EDWARD (Life)

31762  
BARTOW

SUMMARY: In a nighttime altercation in the back yard of relatives of his estranged wife on Aug. 29, 1970, Cromer killed one sheriff's deputy and wounded another when three deputies sought to arrest him pursuant to a peace warrant and a telephone call reporting a disturbance. Both surviving officers testified that deputy Holloway announced to Cromer as they approached with flashlights they were deputies with a warrant for his arrest. Holloway testified that Cromer then swore at them, "You are not going to take me any damn where, you son of bitches." Cromer's wife threw her arms around Cromer; his hand came out of his pocket with his gun, and he began shooting. Two deputies grabbed him. Cromer made every effort to "line up" his weapon on the officers as they struggled to control his gun arm and jam the weapon. Deputy Holloway testified to Cromer's firing at least four shots. Deputy Morris testified that they second shot killed the deceased Deputy Simpson (who was shot through the heart) and the third hit him, Morris, in the left temple after which he remembered nothing. Holloway eventually disarmed Cromer. Cromer's unsworn statement was that he had been drinking over a period of several hours; that he had the gun in his hand more or less by accident as the men approached; that they did not announce themselves and he thought they were his wife's relatives; that the gun fired by accident when his hand was grabbed and he never intended to point it at anyone.

The victim's name was Boyd Simpson

96  
31806  
COFFEE  
CP  
3-174 Affd. MURDER (life)  
LIPS, THOMAS E.  
ARY: Also covered are 31851 and 31 852 On January 19, 1976 the  
ense occurred. The appellant stomped and kicked the victim Charles  
el Merritt to death in a fight apparently caused by the belief the  
ism stole \$300 from the appellant. The killing occurred in the  
tim's home. All had been drinking the night before and the appellant  
spend that night and the previous night at the victim's home.

: State waived death penalty

31817  
FULTON  
76-177 Affd. MURDER (life)  
X, JAMES PASCHAL  
EGARY: On July 13, 1976, the victim, David Willis, was found dead of a  
nshot wound to the chest. The State's evidence showed that appellant had  
argued argued with ~~XXXXXX~~ Willis in the latter's apartment prior to the  
killing. Appellant then left ~~xxx~~ and returned with a pistol, whereupon  
several shots were fired. He then returned to his own residence where,  
according to several witnesses, he announced that he had just killed a man.  
e returned once again to the scene of the shooting after police had  
rrived and was arrested on the advice of certain neighbors of the deceased.  
pistol taken from his pocket pursuant to the arrest was identified by a  
allistics expert as the murder weapon. Although he denied any knowledge  
f the shooting at the time of his arrest, appellant testified at trial that  
e had shot Willis in self-defense.

97  
31823  
BARTON  
CP  
1976-180 Revd. MURDER (life) Armd.Rob. (20 yrs)  
LANE, JERRY RAY  
SUMMARY: The appellant was jointly indicted with Michael Gene Berryhill.  
On his separate trial Berryhill was convicted and given the death penalty.  
His convictions were affirmed in Berryhill v. State, 235 Ga. 549  
(221 SE2d 185) (1975)-See card at 30173-Berryhill was the actual perpetrator  
of the murder and armed robbery. The evidence in the present case authorized  
a finding that the appellant and Berryhill conspired to commit a burglary;  
they went to the home of the murder victim, and when he refused to open the  
door, Berryhill shot into a glass beside the door and opened the door, and  
thereafter shot the victim and robbed his wife; when Berryhill shot, the  
appellant fled the scene, returned to the car in which they were riding, and  
went to his home. It is the appellant's contention that he tried to persuade  
Berryhill not to go to the home of the ~~fx~~ murder victim because it appeared  
that the occupants were at home; Berryhill told him that he would leave if  
anyone came to the door; and when the appellant saw that Berryhill did not  
leave as promised, the appellant left the scene.

Note: The participation of counsel who had represented the appellant's  
alleged co-conspirator as special prosecutor in the trial of the appellant  
denied him fundamental due process of law. We cannot say, under the  
record, that this error was harmless beyond a reasonable doubt.

31834  
HENRY  
CP  
1976-182 Affd. MURDER (life)  
BAKER, CLARENCE JAMES  
SUMMARY: This is a companion case to Albert 30339 and Pullin 30340  
See case summaries there.



77-181 Affd. MURDER (2 counts-felony & malice) 78 31836 SCHILLY  
LITH, HOLBY (life) (same murder involved)  
SUMMARY: On August 19, 1975, at about 7:20 p.m., the body of Paul Theus was found off the side of a road. The body was found by a search party which had turned earlier because Theus had been missing for several hours. Theus had been beaten, choked, and dragged resulting in death. In the Appellant's pretrial statement he stated that while Theus was giving him a ride somewhere, Theus asked for money. Appellant owed Theus about \$25.00. According to Appellant, Theus threatened him, then drove to a side road and stopped the truck. Appellant stated that Theus had a pistol and ordered Appellant out of the truck. After getting out, according to Appellant's taped statement, Appellant knocked the pistol from Theus' hand into some bushes. Appellant stated that he knew there was another gun in the truck and he ran to the truck and got it. However, Appellant discovered the rifle was not loaded so he began hitting Theus with it. The rifle broke in two while hitting Theus, according to Appellant's statement. Appellant stated that he then dragged the body into the weeds and searched for the pistol, which he found.

THE STATE DID NOT SEEK THE DEATH PENALTY.

CP  
77-185 (1971) Affd. MURDER 31848  
PERCE, WILLIAM J. Jr. (life) TREUTLEN  
SUMMARY: Mrs. Thigpen was found shot to death at 9:30 AM on January 12, 1971 at J.B. Thigpen's store in Orianna Georgia. In a pretrial statement, the Appellant stated that on the morning of January 12, 1971 he let his mother sit at the doctor's office before going to look for a job. Appellant drove to the town of Adrian and continued until he got to Mrs. Thigpen's store, passing by the store without stopping on that occasion because there was a salesman there. He waited down the road until the salesman passed by. While waiting he consumed several pills and a couple of drinks. After the salesman had left the store and passed where the Appellant was parked, the Appellant drove his automobile to Mrs. Thigpen's store, parked and went in. Mrs. Thigpen apparently was surprised to see Appellant return to the store, as he had apparently been in there earlier during the day. Appellant then pulled his gun on Mrs. Thigpen and demanded that she remove the bills from the cash register drawer and hand them to him. Appellant then told Mrs. Thigpen that he would like to look into the safe. Mrs. Thigpen responded by telling Appellant that there was nothing in the safe. Appellant insisted on looking into the safe, and to strengthen his demands fired a shot into the store floor, at which time Mrs. Thigpen responded to the Appellant's request to open the safe. After opening the safe Appellant saw that Mrs. Thigpen was truthful in saying the safe was empty. He began backing out towards the front door of the store with his gun aimed in Mrs. Thigpen's direction and he bumped into something. Upon looking around he noticed Mrs. Thigpen reach under the counter as if to grab something. He fired, Mrs. Thigpen went down and he got to his car, and drove away and gave the weapon to a man in Maycross.

77-182 COFFEE  
MURDER (life)  
PHILLIPS, THOMAS E.  
SUMMARY: See summary at 31806 - Also carded as 31852

CP  
1976-188 Affd. MURDER 31854  
CARD, HAROLD LEE (life) CLARKE  
SUMMARY: On the afternoon of June 14, 1976, the appellant, his girl friend, and Carleton Hendrix began drinking at the trailer park in Athens, Georgia. The three of them later drove to a service station that evening to buy gas for Hendrix's car. Appellant and his girl friend left to get more money as they were unable to pay for the gas. Hendrix was left at the station in an apparently intoxicated condition. While driving the car, appellant struck a wax tree stump by the side of the highway damaging the car so badly that it could not be driven. Appellant returned to the service station and his girl friend walked home. After some conversation at the station, appellant and Hendrix began walking toward the Oconee Street Bridge around 9:15 p.m. Hendrix was so intoxicated that appellant had to support him while they walked. They were last seen together standing in the middle of the bridge. At approximately 9:45 p.m., appellant approached a police officer who was parked in his car near the bridge. He told the officer that he had lost someone and asked the officer for a ride to his trailer park. When the officer refused, appellant became abusive and walked away. At about 10:00 p.m. appellant approached a fire station and engaged in a conversation with one of the firemen. Appellant told the firemen that he had Hendrix had gotten into an argument over the damaged car, that he had thrown Hendrix into the river, and that Hendrix couldn't swim. Appellant was intoxicated and the firemen apparently did not believe him. Three days later, on June 17, 1976, Hendrix' body was recovered from the river. --He later said he was on the bridge with Hendrix but stated that Hendrix had fallen into the river. He denied that he had thrown Hendrix off the bridge and denied he had confessed to the firemen.

10-109 Affd. 31869  
WILCOX, OLIVER  
SUMMARY: Wilcox parked his car near the rear of an automobile in which his estranged wife and Emory Smith had arrived about 9 p.m. on April 7, 1974, at a mobile trailer where Alice Wilcox's daughter, Dorothy Reese, lived. The trailer was located in McRae in Telfair County. Approaching the Smith car, Wilcox testified he observed Smith to be armed with a pistol, so he returned to his car and armed himself. The evidence further shows his wife had left the Smith vehicle and was talking to her sister, Thelma Stewart, and a friend, Mary Alice Parker, who were sitting nearby in their car. Wilcox approached the automobile where the women were talking, greeted them and his wife, and then began walking toward the Smith car with his wife. Witnesses testified that before Wilcox and his wife reached the other car, she was seen locked with her arms around Wilcox's neck, shouting, "Quit, Oliver", followed shortly by the firing of a shot from Wilcox's gun which hit the victim in the lower left side. After that, a second shot was discharged into the victim's back behind the left shoulder. The victim fell to the ground, the witnesses stated. Then, shots were exchanged between Emory Smith and appellant with no ill-effect upon either of them. Smith fled, and Wilcox, at the insistence of his daughter, Dorothy Reese, left the scene in his automobile. Alice Wilcox was taken to the hospital by the women present where she later succumbed. - Alice Wilcox died from shots from Wilcox's gun. Before she was shot Alice Wilcox told others "she was not going to run anymore." Wilcox testified his finger was not in the trigger guard and the gun just went off twice while he was locked in the arms of his wife. He further stated Emory Smith was advancing on him with a pistol and he was trying to free himself from his wife when gun discharged.

1976-192 Affd.  
SPENCE, DAVID OMER  
SUMMARY:

MURDER  
(life)

31880  
PAULDI

This was an extraordinary action for one trial - no transcript -

76-104 Affd. 31907  
DOUGHERTY  
SUMMARY: On June 17, 1976 the Appellant was caught shoplifting in a Handy Food Center. A police officer was called. The appellant and his two companions attacked the police officer. When they secured his weapon after knocking him out by hitting him on the head with a radio, the appellant fired it several times killing the store manager who had made a citizens arrest for shoplifting.

ate sought death penalty - Jury did not return it.

1976-195 Affd.  
ROOKS, DENNIE LEE

MURDER  
(life) Burglary  
(15 yrs)

31910  
MUSCOGEE

SUMMARY: Ms Elizabeth Louise Shellnut, daughter of the victim Mrs Derotha Lewis was not able to contact her mother by phone on Friday evening February 1, 1975, and decided to visit her mother to see what the problem might be. At her mother's home she found her mother lying by a chair on the floor in the bedroom where she normally sits. Her mother's body had a pillowcase over its head with a stocking tied around the face of the pillowcase; its arms were tied behind its back with stockings. A light was on near the left front bedroom which was unusual and a gun was missing from her mother's home.

Appellant's statement was as follows. He, McClendon and a man known as "Dirty Red" entered the victim's home for the purpose of stealing. Dirty Red stood up behind the woman and held her while Appellant brought some stockings and a pillowcase to tie the woman. Then Appellant and McClendon searched through the house for something to steal. After leaving the house, McClendon gave Appellant a dollar in change which he had taken from a drawer in the victim's home. McClendon- Appellant's co-defendant also admitted that Lewis' home was burglarized while she was tied up. Medical examination of the body of the victim revealed that the cause of death was cardiac failure due to hemorrhage and infraction of the right atrium or the right auricle of the SA node pacemaker. She also had other bruises. The medical examiner concluded that the beating of the victim was the direct cause of the heart failure.

SCRIPT NOT INCLUDED - ONLY ISSUE WAS VOL. OF PRETRIAL STATEMENT BY 16 yr old



1976-196 Affd. MURDER Child Cruelty CP Domestic 102  
(life) ( 5 yrs ) 31929  
DEKALB  
SUMMARY: This is a child abuse case wherein the child was bruised, had  
brain concussion and finally became unconscious on February 8, 1976 when  
he was taken to the hospital. He also had burns on his genitals and in  
the rectal area. He remained in a coma until he died on February 16, 1976  
of a subdural hematoma. The victim was John Robert Dobbs, age 2 1/2 the  
stepson of the appellant..

Note: Trial Judge took case away from the jury after the finding of guilty  
and sentenced the defendant himself.

~~1976-197 (1971)AFFD.~~ MURDER Agg Aslt-3 cts Domestic  
COOPER, WILLIAM MURRAY (life) -----) 31931  
FULTON  
SUMMARY: The appellant on leave from Milledgeville State Hospital  
shot and killed a niece and shot his sister and another niece.  
on Jan 29, 1971. He apparently became angry over something and had  
been drinking wine and became embroiled in a family fuss and when  
his sister tried to drive him away from the home in her car he became  
angry and started shooting.

Note: A pre Furman offense - state did not seek death penalty.

1976-201 (1971) affd. MURDER 103  
DAVIS, BILLY WAYNE (affd) 31943  
DOUGLAS  
SUMMARY: Date of offense was Dec. 8, 1971. Charles Reed and Bobby Gaddis  
testified that they had been playing poker in the basement of a house on  
Davis' used car lot in Austell with Birt, Davis and Otis Ridling when a  
conversation arose about a prior game involving Davis and the victim in  
this case, Charles Mark Sibley. At that game, Sibley had won about  
fourteen thousand dollars from Davis, who had been forced to give Sibley  
and "I owe you." Apparently Birt suggested to Davis that they rob  
Sibley and pay him back with his own money. Davis countered that he  
had a better idea. Gaddis testified that a meaningful look was then  
exchanged between Birt and Billy Davis, a while Birt stated that Davis  
suggested that they not only rob, but also murder, Sibley.

Birt testified that Davis, Birt, and Ridling carried out their plan  
the next night. Birt and Davis entered Sibley's house using a key and  
waited for their victim to come home. Meanwhile Ridling cruised by at  
fifteen minute intervals. When Sibley came home, the two robbed him of  
several thousand dollars, when Birt put him into a closet and shot him.  
His body was discovered the next day. Davis paid Birt with cash and a  
car.

Note: this is a 1971 Pre-Furman offense.

1976-204 Affd. MURDER 31970  
DEAN, BOBBY JOE (life) FULTON  
SUMMARY: The State's evidence showed that Dean went to the apartment of  
his ex-wife at approximately midnight, carrying a rifle; that he falsely  
identified himself as a neighbor, in order to get in his ex-wife at to  
approximately midnight open the door to her apartment on July 25, 1976;  
that when the door was opened Dean shot the night cabin off the door, and  
entered proclaiming something to the effect of "I got y'all"; that a  
struggle ensued between Dean and the victim, the fiancée of his ex-wife;  
and that the victim (Ralph J. Phillips) was killed by a shot in the back,  
fired far enough away so that no "powder burns" were present around the  
wound. This was the account given by Dean of the incident by Dean's ex-wife.

NOTE: The State waived the death penalty.

1976-205 Affd. MURDER 31987  
DUNSON, ARTHUR (life) FULTON  
SUMMARY: Two witnesses for the state testified that they saw the defendant, male, 5'2", 195 pounds, slap the victim Catherine Chaney, a female, 5'2", 104 pounds, and knock her to the floor. One of the witnesses then saw the defendant kick the victim several times about the head and abdomen. A medical examiner testified that the victim died two weeks later as a result of pneumonia caused by these injuries. The offense occurred on Apr. 24, 1976. Appellant testified he had helped the victim move a week before and she still owed him \$10 of the \$30 she had promised. When he went to collect that she was drinking and carrying on and when she turned to run in the house he thought she was going to get a gun so he slapped her.

Death penalty not sought.- Judge just directed enter a life sentence.

1976-206 Affd. MURDER 3198  
BIRT, CLARENCE (life) JEFFE  
SUMMARY: The deceased Willie Jordan came up to where the Appellant and a mutual girl friend were sitting in a pickup truck. Some argument ens and they went "down the road" to settle it. Appax Apparently Appellant shot twice at the Appellant victim while he was in his automobile going down the road near Wrens, Ga. and when Appellant's vehicle stopped from mechanical malfunction he ran into the woods and the Appellant shot him there. Offense xxxxx occurred on Jan. 11, 1976.

Judge simply sentenced defendant to life- No agg circumstances evident.